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Marine Corps Order 5580.2B

From: Commandant of the Marine Corps
To: Distribution List

Subj: LAW ENFORCEMENT MANUAL

Ref: (a) MCO 5215.1K
(b) SECNAV M-5210.1
(c) 10 U.S.C. 47
(d) Manual for Courts-Martial
(e) Marine Corps Manual
(f) U.S. Navy Regulations
(g) 18 U.S.C. 13
(h) 18 U.S.C. 1382
(i) 18 U.S.C. 1385
(j) 18 U.S.C. 592
(k) 10 U.S.C. 15
(l) SECNAVINST 5820.7C
(m) National Response Plan (DHS), May 25, 2006
(n) DHS Publication, "National Incident Management System," March 1, 2004
(o) 42 U.S.C. 68
(p) MCO 3440.7A
(q) MCO 1200.17
(r) MCO P1000.6G
(s) MCO P6100.12
(t) MCO P1001R.1J
(u) MCO 1000.8
(v) MCO 1630.3D
(w) MCO 3302.1D (NOTAL)
(x) NAVMC 3500.10
(y) DON Civilian Human Resources Manual, January 17, 2003
(z) MCO 1220.5J
(aa) MCRP 6-11B
(ab) MCO P1020.34G
(ac) MCO 5500.6G
(ad) SECNAVINST 5500.29C
(ae) DOD Directive 5210.56, "Use of Deadly Force and the Carrying of Firearms by DOD Personnel Engaged in Law Enforcement and Security Duties," November 11, 2001
(af) MCO 5110.1D

DISTRIBUTION STATEMENT A: Approved for public release;
distribution is unlimited.

27 AUG 2008

- (ag) Reports and Forms Preparation Guide for the Navy Security Force (NOTAL)
- (ah) Public Law 93-415, "Federal Juvenile Justice and Delinquency Prevention Act of 1974," September 7, 1974
- (ai) MCO P5530.14
- (aj) OPNAVINST 5500.11E
- (ak) COMDTINST M16114.5
- (al) SIERRAJUDCIR INSTRUCTION 5810.5D
- (am) DOD 4500.9-R, "Defense Transportation Regulation," Dates Vary Per Part
- (an) MCO 1752.5A
- (ao) MCO P1700.24B
- (ap) 28 CFR 23
- (aq) Memorandum of Understanding (MOU) Between Commandant of the Marine Corps (CMC) and the Director, Naval Criminal Investigative Service (NCIS) (NOTAL)
- (ar) DOD Directive 5210.48, "Polygraph and Credibility Assessment Program," January 25, 2007
- (as) SECNAVINST 5211.5E
- (at) SECNAVINST 5720.42F
- (au) OPM Operating Manual, "The Guide to Processing Personnel Actions," December 23, 2007
- (av) Public Law 103-322, "Violent Crime Control and Law Enforcement Act of 1994," September 13, 1994
- (aw) 27 CFR 478.129(f)
- (ax) DOD 4160.21M, "Defense Materiel Disposition Manual," August 18, 1997
- (ay) DOD Directive 3025.15, "Military Assistance to Civil Authorities," February 18, 1997
- (az) MCO 5100.19E
- (ba) MCO P1610.7F
- (bb) MCO P5510.18A
- (bc) Department of Transportation 2004 Emergency Response Guidebook
- (bd) JAGINST 5800.7
- (be) MCO 3504.2
- (bf) SECNAVINST 1640.9C
- (bg) 18 U.S.C. 922
- (bh) MCBul 8011 (Canc: 31 Oct 08)
- (bi) DOD Instruction 5200.08, "Security of DOD Installations and Resources," December 10, 2005
- (bj) MCO 11210.2D
- (bk) MCO 8023.3A
- (bl) MCO 10570.1A
- (bm) OPNAVINST 5585.2B
- (bn) MCO P8020.10B

27 AUG 2008

- (bo) DOD Directive 5200.31E, "DOD Military Working Dog (MWD) Program," March 29, 2006
- (bp) DOD Instruction 5525.10, "Using Military Working Dog Teams (MWDTs) to Support Law Enforcement Agencies in Counterdrug Missions," September 17, 1990
- (bq) DOD Directive 1350.2, "Department of Defense Military Equal Opportunity (MEO) Program," August 18, 1995
- (br) MCO P11240.106B
- (bs) MCO 11240.66D
- (bt) MCO P4400.150E
- (bu) MCO 3574.2J
- (bv) MCO 5090.4A
- (bw) NAVMC DIR 5210.11E
- (bx) NAVMC DIR 5090.4A
- (by) MCO 11000.25
- (bz) MCO 1001.62
- (ca) DOD 6055.05-M, "Occupational Medical Examinations and Surveillance Manual," May 2, 2007
- (cb) NEHC-TM OM 6260
- (cc) DODD 5525.5, "DOD Cooperation with Civilian Law Enforcement Officials," January 15, 1986
- (cd) SECNAVINST 5820.7C
- (ce) DODI 4000.19, "Interservice and Intragovernmental Support," August 9, 1995
- (cf) MCO 1620.2D
- (cg) DOD 5200.08-R, "Physical Security Program," April 9, 2007
- (ch) UFC 4-020-01, "DOD Security Engineering Facilities Planning Manual," March 3, 2006
- (ci) MCO 1001.59
- (cj) AR 670-1, "Wear and Appearance of Army Uniforms and Insignia," February 3 2005
- (ck) CJCSI 3121.01B (S) (NOTAL), "Standing Rules of Engagement for US Forces," June 13, 2005
- (cl) 29 CFR 1910.1030

Encl: (1) Law Enforcement Manual Procedural Guidance

1. Situation. This Order is a complete revision of the last Marine Corps Law Enforcement Manual (LEM) and should be reviewed in its entirety. It provides updated policy that commanding officers, provost marshals and police chiefs require, and establishes guidelines and procedures for MPs, police officers and security personnel in the performance of their duties per references (a) through (cl).

2. Cancellation. MCO P5580.2A.

27 AUG 2008

3. Mission. This Order provides policy and procedures for the execution of law enforcement aboard Marine Corps installations. All garrison law enforcement aboard Marine Corps installations shall be in compliance with this Order. Policy and procedural, or "how to" is contained in enclosure (1).

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. This Order establishes guidelines and procedures regarding the mission, organization, authority, jurisdiction, and operational functions of police organizations aboard U.S. Marine Corps installations.

(2) Concept of Operations

(a) All Marine Corps installations shall use and comply with enclosure (1).

(b) Local standard operating procedures may be developed to augment enclosure (1) or to address procedures not addressed.

b. Subordinate Element Missions. Commanders will implement the contents of this Order and augment the guidance provided with local directives, as required.

5. Administration and Logistics. Recommendations concerning this manual are invited and will be submitted to the Commandant of the Marine Corps (PS) via the appropriate chain of command.

6. Command and Signal

a. Command. This Order is applicable to the Marine Corps Total Force.

b. Signal. This Order is effective the date signed.



J. F. DUNFORD JR.
Deputy Commandant for
Plans, Policies and Operations

27 AUG 2008

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<u>IDENTIFICATION</u>	<u>TITLE</u>	<u>PAGE</u>
Chapter 12	EVIDENCE/PROPERTY.....	12-1
12000	Collection and Preservation of Evidence..	12-1
12100	Evidence and Property Control.....	12-7
12200	Contraband Seizures.....	12-25
Chapter 13	CRIMINAL INVESTIGATIONS.....	13-1
13000	Criminal Investigation Division Standards of Conduct and the Personal Reliability Program.....	13-1
13100	Domestic Violence, Child Abuse, and Sexual Assault Investigations.....	13-4
13200	Criminal Intelligence and Crime Analysis.	13-26
13300	Case Management.....	13-37
13400	Protective Security Details.....	13-41
13500	Criminal Investigators in Support of the Naval Criminal Investigative Service.....	13-55
13600	Polygraph Examinations.....	13-60
13700	Conducting Formal Interviews, Interrogations, and Taking Statements for Investigators.....	13-70
13800	Use of Recording Equipment in Interviews and Interrogations.....	13-74
13900	Hostage Negotiations.....	13-78
Chapter 14	TRAFFIC INVESTIGATIONS.....	14-1
14000	Limited Traffic Accident Investigations..	14-1
14100	Detailed Traffic Investigations.....	14-4
14200	Traffic Management and Analysis.....	14-9
14300	Hazardous Material Response.....	14-12
Chapter 15	REPORTING AND RECORDING SYSTEMS.....	15-1
15000	Military Law Enforcement Reporting Fundamentals (Non-System Specific).....	15-1

<u>IDENTIFICATION</u>	<u>TITLE</u>	<u>PAGE</u>
15100	Records and Information System Management.....	15-3
15200	System Specific Procedures- Department of the Navy Criminal Justice Information System (DONCJIS).....	15-7
15300	System Specific Procedures - National Crime Information Center (NCIC)/National Law Enforcement Telecommunications System (NLETS).....	15-10
Chapter 16	COMMUNITY SERVICES.....	16-1
16000	Crime Prevention.....	16-1
16100	Physical Security.....	16-8
16200	Animal Control.....	16-20
16300	Local Record Checks and Fingerprinting Services.....	16-28
16400	Lost and Found.....	16-31
16500	Vehicle Registration/Visitor Control....	16-33
16600	Weapons Registration.....	16-45
16700	Vehicle Towing/Impoundment.....	16-50
Chapter 17	TRAINING AND CAREER DEVELOPMENT.....	17-1
17000	Training Management and Documentation...	17-1
17100	Occupational Training and Readiness Standards Overview.....	17-10
17200	Law Enforcement Career Development.....	17-14
Chapter 18	INTERNAL SERVICES.....	18-1
18000	Arms Room/Ready for Issue Point Procedures.....	18-1
18100	Supply.....	18-14
18200	Vehicle Management.....	18-17
18300	Police Records Personnel.....	18-25
18400	Complaints and Investigation of Police Misconduct.....	18-28

<u>IDENTIFICATION</u>	<u>TITLE</u>	<u>PAGE</u>
APPENDIX A	AUTHORIZED FORMS.....	A-1
APPENDIX B	OVERVIEW OF THE MARINE CORPS CONTRACT SECURITY OFFICER PROGRAM (MCCSOP).....	B-1
APPENDIX C	MARINE CORPS POLICE ACADEMY.....	C-1
APPENDIX D	MARINE CORPS CIVILIAN POLICE ON-THE-JOB TRAINING PRE-SERVICE COURSE.....	D-1

27 AUG 2008

Chapter 1

Written Policy Directives

Section 1000: Written Policy Directives System

1001. Purpose. This section defines the structure and application of the U.S. Marine Corps Law Enforcement Manual's (LEM) written policy directives system (WPDS) and provides military police/police officers, security personnel and other employees with a better understanding of its importance, use, and applicability.

1002. Policy. A WPDS has been established in accordance with reference (a), Marine Corps Directives Management Program, to inform MPs/police officers and security personnel of what is expected of them in the performance of their duties, to provide guidance to them in performing such duties, to establish the basis for accountability and the means to fairly evaluate military police/police officer, security personnel and unit performance. This section formally documents the structure and component parts of the written directive system in a manner that will increase its utility and application and provide for continuity in its development.

1003. Definitions

1. Police Chief (PC). On installations with a MCPD, the PC serves as the installation commander's senior law enforcement representative and as a special staff officer responsible for the daily operations and functional management of the MCPD.

2. Law Enforcement Executives. Includes Provost Marshals (PM), military police commissioned officers, military police senior staff noncommissioned officers (E8-E9), PC, Deputy Chiefs of Police and supervisory police officers (GS 11-14).

3. Law Enforcement Officer(s). Unless specifically stated to the contrary, the term "law enforcement officer(s)" includes military police and civilian patrol/police officers, all criminal investigators, traffic investigators and other specialized law enforcement officers organically assigned within the garrison law enforcement activity, excluding contract guards. "Law enforcement officers" is intended as a collective term, referring to the installation law enforcement community as a whole.

4. Marine Corps Police Department (MCPD). The organizational structure of the MCPD may vary but it generally consists of Police Administration/Services and Operations with an investigations section. A MCPD is so designated if the senior ranking law enforcement official organic to the structure is a civilian police officer and a majority of the organic work structure consists of civilian personnel.
5. Military Police (MP). Refers specifically to service members of the United States Marine Corps who are assigned to the 58XX occupational field. When a service member is assigned to a non-patrol function within the 58XX occupation field (example: criminal investigators), the distinction between service members of the United States Marine Corps and federally employed civilians performing the same function is signified by the addition of the word "Military" (Example: Military Criminal Investigators vice Criminal Investigators).
6. Patrol Officer(s). The term "patrol officer(s)" includes all categories of personnel permanently employed by the federal government (including civilian police officers within the initial one year probationary period, civilian police officers, MPs), authorized to wear a uniform and Marine Corps issued police badge, carry firearms while acting in an official capacity, and conduct patrol level law enforcement and/or security duties on a permanent Marine Corps installation. Contract guards and personnel not primarily assigned to perform duties of the patrol function are not considered "patrol officers".
7. Police Officer(s). This term refers to civilian federal employees who have completed the Marine Corps Police Academy, are authorized to conduct law enforcement/police work on a Marine Corps installation, and are performing duties on a specific installation under the same authority and jurisdiction as military police.
8. Policies. Policies provide overarching guidance regarding the general goals and procedures on specific matters. Policies are concise position statements based on underlying organizational principles, goals, values, and operational philosophies. They are designed for broad general direction and guidance primarily designed for use by all members of the community, or by more than one Provost Marshal's Office (PMO) or Marine Corps Police Department (MCPD).

27 AUG 2008

9. Provost Marshal (PM). On installations with a PMO, the PM serves as the installation commander's senior law enforcement representative and as a special staff officer responsible for the daily operations and functional management of the PMO.

10. Provost Marshal's Office (PMO). The organizational structure of the PMO may vary but it generally consists of: Police Administration/Services, Operations, and Criminal Investigation Division (CID). A PMO is so designated if the senior ranking law enforcement official organic to the structure is a commissioned officer in the United States Marine Corps, and a majority of the organic work structure consists of uniformed service members of the United States Marine Corps.

11. Procedures. Procedures build on the foundation of policy statements to provide specific guidance on required, desired, or preferred methods of operations or conduct. Procedures are detailed instructions on the means and methods for carrying out the policy directive and generally draw the boundaries of permissible officer discretion in performing specific tasks or duties. Procedures may be included within individual chapter sections.

12. Rules. As opposed to procedure statements that often provide MP/officer flexibility and discretion, rules are characterized by their inflexibility. Rules define situations where no deviation or exceptions to agency-authorized actions are permitted. Rules are, by definition, restrictive, and as such, are avoided within the WPDS unless specifically required by federal law or military department policy. Rules, in daily operations, are normally issued by the cognizant installation commander, or as directed by the local PM/PC, Installation Safety and Security or Public Safety Director (ISS/PS).

13. Security Personnel/Officers. Security personnel and officers are Marines or civilian employees assigned to conduct security duties aboard Marine Corps installations.

14. Terms Limiting Law Enforcement Personnel Discretion. There are three categories of terms used in LEM WPDS. Personnel responsible for the development of such directives and MPs/police officers who carry them out shall be aware of the limitations on officer discretion that these terms convey. These terms are classified as judgmental, discouraging, and prohibitive in nature.

a. Judgmental. The word "may" is used to convey the utmost discretion to officers. "May" indicates that MPs/police officers and security personnel should employ their best judgment in addressing a situation by relying on experience, training, the stated mission and values of the Marine Corps, and the general guidance provided in the Law Enforcement Manual.

b. Directive. The word "should" or "should not" is used to convey the appropriate MP/police officer and security personnel actions in given circumstances. Directives should be followed whenever reasonably possible. However, it is recognized that exceptions to desired actions can be anticipated in these circumstances that could require alternative action. MPs/police officers are therefore authorized whenever reasonable to use limited discretion to deal effectively with the situation or problem.

c. Restrictive or Prohibitive. The terms "shall" or "shall not" or "will" or "will not" impose absolute requirements or prohibitions on officer actions. Considering that the full set of circumstances surrounding many situations confronted by MPs/police officers and security personnel cannot be fully predicted, such terms must be used with care and with the understanding that failure to abide by such restrictions may result in disciplinary action. Where deemed appropriate, however, these terms may appear in policies, procedures, and rules.

15. U.S. Marine Corps Law Enforcement Manual (LEM). The LEM is a position statement by or authorized through the Deputy Commandant of the Marine Corps for Plans, Policies, and Operations (CMC (PP&O)) via Director, Security Division (PS), PP&O, henceforth referred to as CMC (PS), which guide or direct the actions and activities of MPs/police officers and security personnel in the performance of their duties at all Marine Corps activities and installations. Directives encompass all means by which CMC (PS) communicates instructions, orders and duty requirements to the military law enforcement community, to include policies within this manual, procedures, rules, regulations, Marine Administrative Messages (MARADMIN), memoranda, and instructional materials.

1004. Procedures

1. Directive Development and Approval

27 AUG 2008

a. The CMC (PS) retains authority for approval of all policy within the LEM.

b. Maintenance of the written directive system is assigned to CMC (PS). In coordination with field activities, CMC (PS) shall be responsible for organization, review, revision, update, and purging of this Order on a continuous basis.

c. Installation commanders, PMs/CPs, and ISS/PSs (collectively referred to as LE executives), retain the authority to issue directives through memoranda or special orders that have bearing only on the specific functions or operations of their local area(s) of responsibility. Such directives shall be consistent with this Order.

d. It is the concurrent responsibility of LE executives to ensure that policies, procedures and other directives affecting their areas of responsibility reflect the best practices for accomplishment of organizational activities, duties and responsibilities. To this end, LE executives and their designees are responsible for ensuring that:

(1) Required development, updates, and refinements of all CMC (PS) policies and procedures affecting their areas of responsibility are identified and that these requirements are forwarded in a timely manner via their respective chains of command.

(2) Written explanation and justification of proposed changes to currently active directives is prepared and kept current. This justification/discussion may include, but is not limited to, the legal basis and requirements for the policy change; reference to and adherence to professional standards or practices, compliance with military department philosophies, directives, standards, and protocols; and related information that supports, explains, and substantiates the recommended change.

e. Development and refinement of policy and procedures shall be coordinated by CMC (PS). CMC (PS) may forward drafts of such documents for review and comment to a committee of LE executives.

f. Approved policies, procedures, rules, and MARADMINs shall be distributed to all personnel and other appropriate members who are required to document that they have received, read, and understand the directive. When necessary, roll call

27 AUG 2008

or other training regarding the policy shall be conducted concurrently with policy distribution. Distribution may be accomplished electronically via a PMO/MCPD shared drive, providing that documentation of access for all personnel, and compliance documents are maintained.

g. When issued in hard copy, policy and procedure manuals of individual MPs/police officers are subject to inspection. MPs/police officers and security personnel shall maintain such manuals in an organized, complete, and current manner.

2. LEM Components. The LEM includes the following primary components and is designed to facilitate distribution within three (3) ring binders. The LEM is organized by sequentially numbered chapters with sections for individual policies. General subject matter can be located by consulting the Table of Contents. The LEM made up of chapters and sections, and contains the components referenced below:

a. Record of Change. A formatted listing of all revisions posted to the manual since its issuance.

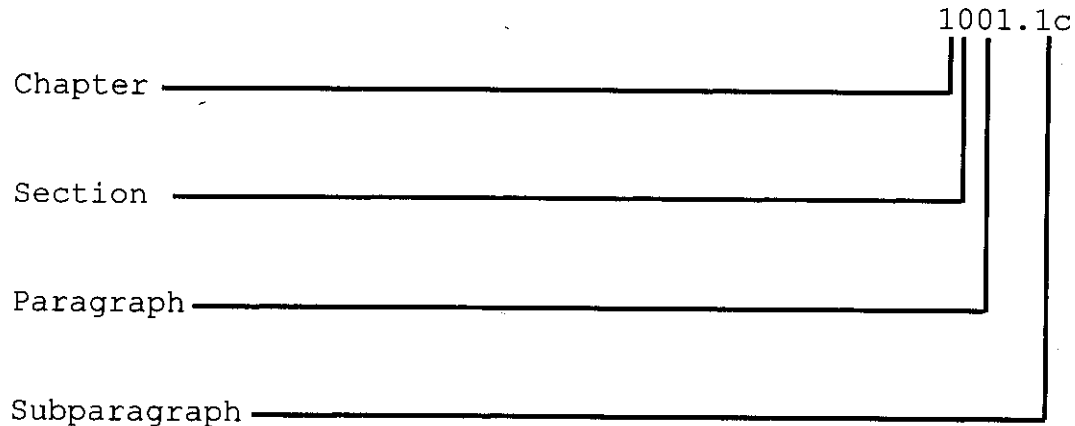
b. Table of Contents. Sequential listing of topics covered in the LEM and their location in the document.

c. Chapters. The LEM is composed of a series of chapters, containing one or more sections, whose subject matter is interrelated. It is indexed using the system below.

d. Sections. Sections are identified with a four or five digit number, depending on whether a chapter has one or two digits, and end in "000". The first section would be "1000".

e. Paragraphs. Major paragraphs are identified by either a four or five digit number, depending on whether the chapter has one or two digits. The first major paragraph of the first section in the first chapter begins with the four-digit number "1001".

f. For proper format, see diagram on the following page:



Note: Each policy section, though inter-related within a chapter, is designed as a "stand alone" directive document. The first digit identifies the chapter number, the second digit the section number, and the third and fourth digits the paragraph number. The numbers following the decimal identify the subparagraph number. This allows for ready cataloguing, referencing, and indexing of individual policy directives, and aids in updating of material.

3. Authorized Forms - See Appendix A for current forms authorized for use by PMOs/MCPDs.

4. Organization of Policy and Procedure Sections

a. Each policy section contains the following information

- (1) Purpose (includes objectives that are optional).
- (2) General (optional).
- (3) Policy.
- (4) Definitions (optional).
- (5) Procedures (includes responsibilities, optional).

b. Pagination. Pages are numbered sequentially throughout each chapter. Page numbers are centered and shall be preceded by notation which identifies the chapter. Example: 1-10.

- (1) "1" denotes the chapter in which the policy appears.
- (2) "10" denotes the page number.

27 AUG 2008

5. Applicability. Unless otherwise stated, all provisions of the LEM pertaining to service members and civilian employees of the United States Marine Corps and are applicable to the Total Force.

Chapter 2

Mission, Authority, and Military Law

Section 2000 - Mission and Authority of MPs/Police Officers

2001. Purpose. This section outlines and articulates the mission and authority of MPs/police officers aboard Marine Corps installations and activities.

2002. Policy. The mission of the MP/police officer, working under the cognizance of a PMO/MCPD, is to assist the installation commander in the protection of life and property. MPs/police officers provide the commander with continuous support by enforcing the law, preventing and suppressing crime, assessing command physical security posture, investigating offenses, and apprehending offenders. Law enforcement activities also include a range of support services designed to assist the commander in maintaining good order and discipline. MPs/police officers primarily serve the installation commander; however, their services assist all tenant activity and area commanders in maintenance of safety and order within the scope of their authority.

2003. Definitions

1. Custody. The act of taking immediate control over an individual exercised by proper authority.
2. Apprehension. The act of taking a person who is subject to reference (c) into custody (see section 2100 for more information on who is subject to reference (c)). It is accomplished by clearly notifying the person to be taken into custody that they are under apprehension. This notification may be oral or written. In short, it is the military term that is similar in function to an "arrest" in civilian terms.
3. Authority to Apprehend. When taking a person who is subject to reference (c) into custody, authority to apprehend is derived from two major sources: Article 7 of reference (c) and Part II, Rule 302, para (b) of reference (d) authorize the apprehension of persons subject to reference (c). Persons who are authorized to apprehend per this article and chapter include: commissioned officers, warrant officers, noncommissioned officers, and MPs/police officers in the execution of law enforcement duties. Also, other persons designated to perform guard and police duties, including criminal investigators, are authorized to apprehend.

4. Authority to Challenge. MPs/police officers are afforded authority to properly challenge individuals accessing the installation through entry control points/gates, as well as authority to conduct law enforcement operations on the installation. Working as agents of the commanding officer, the U.S. Navy Regulations provide derivative authority to MPs/police officers by stating that security and MPs/police officers, "within the limits stated in his or her orders, has authority over all persons on his or her post (Article 1038)." A post, in this context, does not apply exclusively to a fixed physical location, but also applies to a patrol area, or administrative assignment for individual MPs/police officers when assigned and on official duty as an agent of the installation commander.

5. Authority to Detain. Civilians who are not subject to reference (c) may be detained under several sources of authority. These include:

a. Detentions subsequent to violations of federal or state law: If a civilian violates a federal or state law on a military post or reservation, the MP/police officer should restrain or detain the civilian for violation of law and order on post. The MP/police officer/security personnel under this regulation is acting as the agent of the installation commander to keep the peace. Once this is accomplished, the law enforcement officer should then turn the civilian over to the proper civilian authorities (consult local directives for the proper procedure, or consult the installation Staff Judge Advocate Office, Special Assistant United States Attorney [SAUSA]) through your department chain of command. Detentions made for violations of state law, where no federal statute applies, are authorized by reference (g). See section 2100 for more details.

b. Detentions for unauthorized access to the installation: Reference (h) provides that it is a crime for any person to enter any military reservation for any purpose prohibited by law or lawful regulation. This is basically a trespass statute that carries a maximum punishment of \$500 and/or six months in jail. The MP/police officer in this case acts as the agent for the installation commander, as the commander is responsible for law and order on the post or installation.

6. Detention. The act of temporarily taking persons who are not subject to reference (c) into custody, pursuant to proper authority, for remanding and processing by appropriate civilian law enforcement entities. A "detention" is also a temporary

holding of an individual, military or civilian, while circumstances are developed/investigated to determine if an apprehension or turn over to civilian authorities is required.

7. Probable Cause. In order to apprehend or detain, conduct lawful searches incident to investigation of an alleged crime, and lawfully seize evidence of such crimes, a MP/police officer must have probable cause to justify their actions. Probable cause is determined in a two step process:

a. First, the MP/police officer must have a reason to believe that a crime has been committed. Such belief can be based upon personal observation or a reliable report that an offense has been committed.

b. Second, the MP/police officer must have a reason to believe that the person being apprehended or detained committed that crime. Probable cause requires more than mere suspicion, but does not require evidence beyond a reasonable doubt, which is necessary for conviction of the offense.

c. For more information, see sections 2200 and 2300 (Suspect Rights and Search and Seizure).

2004. Procedures

1. Through the various sources of authority defined above, MPs/police officers are charged with protecting and preserving the military community on their assigned installations. With PMOs/MCPDs, installation commanders are provided with the technical support and expertise necessary to facilitate good order and discipline for military personnel, as well as a safe and secure environment for the community at large.

2. MPs/police officers are charged with enforcing applicable laws within the bounds of their authority. Inherent to the authorities granted to commanders, and delegated to law enforcement personnel, are:

a. Authority to apprehend personnel subject to reference (c) aboard the military installation.

b. Authority to detain personnel not subject to reference (c) for violations of the law aboard the military installation. While there is no statutory authority to apprehend civilians, the authority delineated above is an extension of the installation commander's statutory authority, and provisions within federal law to prevent trespassing on military

27 AUG 2008

reservations, as well as fraudulent access for the purposes of committing crimes. Additionally, civilian family members are detained when they are suspected of committing federal or state crimes. Investigation of state crimes which occur on military installations are authorized by reference (g) which states in part that where no federal statute exists, the state or local statute may be assimilated for charging in the federal system of justice. When authorized, such detentions are of short duration, and only to facilitate processing and remanding to appropriate civilian law enforcement agencies.

c. Authority to conduct searches and seizures incident to apprehension, or with probable cause in a number of circumstances incident to normal duty (including but not limited to vehicle stops at entry control points, and command authorized inspections).

3. The PM/PC serves as the installation commander's senior police/law enforcement representative and as a special staff officer responsible for the daily operations and functional management of the PMO/MCPD. Installations may also have an Installation Safety and Security/Public Safety (ISS/PS) director who provides oversight to all aspects of emergency management aboard the installation, including fire protection services and coordination of all emergency first response activities. In an ISS/PS structure, the PM/PC remains the senior functional area representative for police services.

4. MPs/police officers are vested with the authority to perform law enforcement, investigative, and police services on behalf of the installation commander. All criminal incidents/ complaints are reported to the PMO/MCPD, and the initial investigation of the offense is conducted by law enforcement personnel.

5. The authority of MPs/police officers is restricted by reference (i) which was extended to the Department of the Navy (including the U.S. Marine Corps) by references (l) and (cc). Under these provisions of law, Department of Defense (DOD) policing authority does not extend to civilians outside areas under military jurisdiction or control. MPs/police officers in service with and employed by the military cannot be used to help execute civilian law. Reference (i) provides that whoever, except in cases and under circumstances expressly authorized by the Constitution or by act of Congress, willfully uses any part of the Army and Air Force to execute civil law shall be fined not more than \$10,000 or imprisoned not more than two years or both. This act applies to enforcement of federal, state, county, or local law. A related statute makes it an offense to

have military personnel at a place where elections are being held, except when such force is necessary to repel armed enemies of the U.S. See reference (j).

6. Military forces or DOD police acting in civil disturbances under the provisions of reference (k) are not in violation of reference (i). Nor does this prohibition extend to employing federal military forces to protect federal functions and property or to acting in an emergency. Acts having a primary military purpose and only incidentally enforcing civilian law are not prohibited.

7. Note that reference (i) does not prohibit DOD assistance to protect public safety, as opposed to law enforcement. Thus, it does not prohibit the use of military bomb disposal experts in deactivating and destroying explosives found in civilian communities nor does it prohibit military medical personnel from rendering medical care to persons injured in a natural disaster. The Posse Comitatus Act does not prohibit development and maintenance of effective working relationships between DOD (military and civilian police) and their civilian counterparts nor the loan to civilian authorities of certain types of equipment. But the law does prohibit concerted use, under orders, of units or individuals of the DOD to execute the law. The Posse Comitatus Act does not prohibit investigation of offenses committed by civilians if there is a DOD interest. The Staff Judge Advocate (SJA)/Judge Advocate General (JAG) Office on an installation should be consulted on a case-by-case basis to determine whether or not there is a DOD interest, and the measures to be taken during the investigation.

a. In general terms, MPs/police officers, unless authorized in circumstances outlined above, are prohibited from enforcing the law, or conducting law enforcement activities off of their assigned installation except in the case of CID or the Investigations Branch where logical investigative steps extend outside the installation.

b. As a matter of law, MPs/police officers employed by the Marine Corps are authorized to perform a "citizen's arrest" if they are witness to a crime that occurs off installation, conducted by a person not subject to reference (c). While DOD policy acknowledges the existence of state citizen's arrest laws, the use of these state laws should be discouraged for two reasons. First, the citizen's arrest laws vary from state to state-they are not the same everywhere the MP/police officer may be assigned. Second, even if the MP/police officer follows the correct law, the arrest of a civilian is in a private, not

27 AUG 2008

official, capacity. Thus, any arrest of a civilian is at the MP's/police officer's own peril. If the MP/police officer blunders, he/she may be open to a false arrest lawsuit or a lawsuit premised upon a violation of the civilian's constitutional or civil rights. The MP/police officer will bear personal liability in such circumstances arising from the exercise of a citizen's arrest.

Section 2100 - Legislative Jurisdiction

2101. Purpose. This section explains the provisions and scope of jurisdiction over offenses, and how law enforcement personnel must consider jurisdiction in their daily conduct of policing duties.

2102. Policy. This section explains the provision of federal law that defines military jurisdiction over offenses, and the jurisdiction of MPs/police officers in areas of an installation. All personnel performing police work on installations operate within their jurisdiction and authority. Jurisdiction and authority are not the same thing. Jurisdiction means the power to hear a case and to render a legally competent decision. Authority is the lawful right of the designated persons or agencies to exercise governmental power and control. MPs/police officers may have the authority to detain a civilian suspect on the installation or apprehend a military suspect off the installation, but the military may not have the jurisdiction to try the suspect.

2103. Definitions

1. Military Jurisdiction. Article 2 of reference (c) states that the code has "extraterritorial application." This means that service members are subject to reference (c) at military reservations in the continental United States (CONUS), overseas (OCNUS), on a ship at sea, on aircraft in the air, on the battlefield, etc. Article 2 is only the general rule of jurisdiction. More specifically, military jurisdiction is of two types, both of which must be considered by MPs/police officers. These two types of jurisdiction are: jurisdiction over the person and jurisdiction over the offense.

a. Jurisdiction over the Person. Article 2 of reference (c) delineates the following people as subject to reference (c), and therefore subject to military jurisdiction over their person:

(1) Members of a regular component of the Armed Forces, including those awaiting discharge after expiration of their terms of enlistment; volunteers from the time of their muster or acceptance into the Armed Forces; inductees from the time of their actual induction into the Armed Forces; and other persons lawfully called or ordered into, or to duty in or for training in the Armed Forces, from the dates when they are required by the terms of the call or order to obey it.

(2) Cadets, aviation cadets, and midshipman.

(3) Members of a reserve component while on inactive-duty training, but in the case of members of the Army National Guard of the United States or the Air National Guard of the United States only when in federal service.

(4) Retired members of a regular component of the Armed Forces who are entitled to pay.

(5) Retired members of a reserve component who are receiving hospitalization from the Armed Forces.

(6) Members of the Fleet Reserve and Fleet Marine Corps Reserve.

(7) Persons in custody of the Armed Forces serving a sentence imposed by a court-martial.

(8) Members of the National Oceanic and Atmospheric Administration, Public Health Service, and other organizations, when assigned to and serving with the Armed Forces.

(9) Prisoners of war in custody of the Armed Forces.

(10) In time of war, persons serving with or accompanying the Armed Forces in the field.

b. Jurisdiction over the Offense. The military retains jurisdiction over a person subject to reference (c), and may try that person for an offense, regardless of the location where the offense occurred, or the "service connection" of the offense. The jurisdiction of a court-martial depends solely upon the accused person's status as a member of the Armed Forces and not on the "service connection" of the offense charged. Dual jurisdiction (state and military) will normally exist for offenses committed off the military reservation by personnel subject to the code. Although jurisdiction will exist for those off-post offenses, the commander normally evaluates each case individually to determine if action under reference (c) is appropriate.

2. Legislative Jurisdiction. On a military installation, proper authorities for a given area are determined by the government entity (state or federal) that is authorized to exercise authority and control, including law enforcement activities. Many of these jurisdictional areas were established when the land for a military installation was ceded to the

federal government for the initial establishment of the installation. Other jurisdictional areas are the result of various legal agreements and memoranda between the federal government and state or local government agencies, and iterative land acquisitions. In each case, a military installation may have one or more of the various types of legislative jurisdiction:

a. Exclusive Jurisdiction. Under exclusive jurisdiction, the federal government assumes sole jurisdiction over the designated area. Many military installations have exclusive federal jurisdiction. On these installations, the federal government exercises executive, legislative, and judicial authority. To facilitate exclusive jurisdiction and to avoid the difficult task of enacting and maintaining a code of criminal laws appropriate for areas under its jurisdiction, Congress passed Title 18, Assimilated Crimes Act, United States Code, Section 13. This statute provides that all acts or omissions occurring in an area under federal jurisdiction, which would constitute crimes if the area were under the state jurisdiction, will constitute similar crimes, similarly punishable, under federal law. This act does not assimilate crimes based on state statutes that are contrary to federal policy and law, such as civil rights legislation, nor does it assimilate state law if there is an existing federal statute or law on the subject. In cases of violations of law by civilians on exclusive jurisdiction, the civilian is detained and turned over to the appropriate non-military, federal authority.

Note: Reference (g) is used to charge civilians not subject to reference (c) with crimes committed aboard military installations, where no federal offense pertains. Additionally, reference (g) is also used in charging military members, and other personnel subject to reference (c), with crimes to which reference (c) does not speak. Examples include, but are not limited to: traffic offenses which are committed aboard the installation, and cited under the appropriate state vehicle code; child abuse cases which are cited under appropriate state law, etc. For military members, reference (g) applies regardless of legislative jurisdiction of the installation, or portion thereof where the offense occurs.

b. Concurrent Jurisdiction. Concurrent jurisdiction exists when the federal government and the state or local government exercise simultaneous authority over an area. Essentially, this type of jurisdiction is dual jurisdiction. Under concurrent jurisdiction, state criminal laws are applicable in the area and can be enforced by the state (state or local law enforcement) as

well as the federal government under reference (g). Normally, military members who commit offenses in concurrent jurisdiction areas will be charged under reference (c), but commanders routinely review the case individually to ensure proper handling of the offense in conjunction with civilian authorities, particularly in the case of felonious crimes.

c. Proprietary Jurisdiction. Proprietary jurisdiction applies in instances where the federal government has ownership to an area but has not retained jurisdiction. In this case, the federal government has the same rights as any other landowner. The state retains jurisdiction over the area and has the authority to enforce laws in the area. Reference (g) does not apply to areas of federal proprietary jurisdiction. In such areas, MPs/police officers exercise authority in compliance with the instructions of the appropriate commander. Close coordination occurs with state/local law enforcement in these areas, per local Memoranda of Understanding and facilitated by the SAUSA, to ensure that appropriate processing and charging of all individuals, both military and civilian, occurs in these jurisdictional areas.

2104. Procedures

1. All personnel engaged in law enforcement activities must be familiar with the legislative jurisdiction areas within their assigned installation. Understanding the concepts of jurisdiction over the person, jurisdiction over the offense, and areas of legislative jurisdiction is required for the MP/police officer to correctly determine the appropriate response to potential violations of the law.
2. The PM/PC or designated representative coordinates with the SJA/SAUSA, and ensures PMO/MCPD understanding of local memoranda of agreement, memoranda of understanding, and other binding legal agreements with local and state law enforcement agencies and emergency services.
3. Aboard installations which have more than exclusive federal jurisdiction areas, the PM/PC or designated representatives shall ensure that maps and other instructional material are developed, kept up to date, and disseminated to all MPs/police officers. This will include appropriate instructions regarding the authority to detain and apprehend suspects within non-exclusive areas, as well as which agencies exercise jurisdiction and should be contacted to remand suspects into custody for further processing.

27 AUG 2008

4. Local directives and procedures will pertain to the exercise of jurisdiction on Marine Corps installations and should be a part of the annual training plan.

27 AUG 2008

Section 2200 - Suspect Rights

2201. Purpose. This section ensures MP/police officer understanding of the constitutional protections against self incrimination and how these protections apply in various policing scenarios.

2202. Policy. Interrogations of suspects and the statements and confessions that are elicited are vitally important in the preparation of criminal cases. However, to be admissible as evidence, statements and confessions must be given freely and voluntarily and with due consideration for the suspect's right to silence and right to counsel. Therefore, all MPs/police officers must understand and follow this section in order to observe due process rights of suspects and to guard against any charges of law enforcement coercion or intimidation during questioning.

2203. Definitions

1. Article 31 Rights. Warning requirements against self incrimination are applicable to the military. Article 31 of reference (c) provides that MPs/police officers may not interrogate or request any statement from a suspect without first advising an individual of rights against self-incrimination and rights to counsel. In addition, personnel subject to reference (c) who are accused of an offense under military law are entitled to appointment of a lawyer, whether they can afford one or not. Under Article 31, the suspect also has the right to civilian counsel at no expense to the Government.

2. Miranda Rights. The U.S. Supreme Court, in *Miranda v. Arizona*, held that a suspect must be warned that he has the right to remain silent; that anything he says may be used against him in court; that he has a right to a lawyer during the interrogation, and that he may obtain a lawyer, at his own expense, or if the suspect cannot afford a lawyer, a lawyer will be appointed at no expense to him. In the context of this manual, the term "Miranda rights" refers to the rights advisement given to civilian subjects (individuals who are not subject to reference (c); see section 2100 for more information).

2204. Procedures

1. General Provisions of Rights Advisement

a. An Article 31 warning, or a Miranda warning, should be given to a subject only when there is a need to question the individual. If the individual is being taken into custody by a MP/police officer and there is no need for the subject to be questioned at the time of apprehension, then no warning need be given. The appropriate warning can be given at a later time by a criminal investigator, if the matter is investigated further. If, however, a subject in custody initiates a conversation with a MP/police officer concerning the offense, then the appropriate warning should be given by the MP/police officer before asking questions. For example, an individual taken into custody for possession of marijuana might state "I can explain how I got that." Before any questioning of this individual, an appropriate warning must be given.

b. A MP/police officer may question an individual without a warning, up to the point that the MP/police officer determines that a crime may have been committed and the individual may have committed it. For example, an individual found behind a warehouse late at night may be asked "Who are you? Do you work here? What are you doing here?" in the absence of any indication of a crime, since the individual could be an employee with a legitimate purpose. If, however, given the same situation, the MP/police officer observes evidence of forced entry to the warehouse, and the individual is leaving with merchandise, then the individual should be apprehended and not questioned about the matter without an appropriate warning.

c. An individual taken into custody may be asked the following questions without providing a warning: name, social security number, duty station or address, and rank (if military). If a MP/police officer/criminal investigator asks for a person's name and personal identifying information such as social security number, address, phone number, etc., they shall provide the individual a privacy act statement (see figure 2-1 below) or when completing an incident report (IR), OPNAV 5580/1, if a person is asked personal identifying information, the MP/police officer must read the person the privacy act statement at the top of the IR. Any questions beyond these should be preceded by an appropriate rights warning/advisement. Biographical and identification data can normally be obtained from identification cards in an individual's possession.

PRIVACY ACT STATEMENT

In accordance with the Privacy Act of 1974 (Public Law 93-579), this notice informs you of the purpose for collection of requested information. Please read it to ensure that you understand the purpose for this information collection.

AUTHORITY: 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; and E.O. 9397 (SSN); 5 U.S.C. 301, Departmental Regulations; 18 U.S.C. 2510-2520 and 3504; 44 U.S.C. 3101; 47 U.S.C. 605; DOD Regulation 5200.2-R, Personnel Security Program Regulation; DOD Directive 5200.26, Defense Investigative Program; DOD Directive 5210.48, DOD Polygraph Program; Secretary of the Navy Instruction 5520.3B, Criminal and Security Investigations and Related Activities Within the Department of the Navy; Secretary of the Navy Instruction 5520.4B, Department of the Navy Polygraph Program.

PRINCIPAL PURPOSES: The collected information will be used as follows - suitability for access to military installations; use in current law enforcement investigation or program of any type including applicants; use in judicial, administrative actions, or adjudicative proceedings including litigation or in accordance with a court order; to assist federal, state and local agencies that perform law enforcement or quasi-law enforcement functions; to assist federal, state and local agencies that perform victim/witness assistance services, child protection services or family support or Marine services; referral of matters under their cognizance to federal, state or local law enforcement authorities including criminal prosecution, civil court action or regulatory order; suitability for access or continued access to classified information; advising higher authorities and Marine Corps commands of the important developments impacting on security, good order or discipline; reporting of statistical data to Marine Corps commands and higher authority.

RETENTION: The collected information will be maintained in the Department of the Navy's Security Incident Reporting System or the Department of the Navy's NCIS Investigative Records System with restricted, limited access by authorized personnel. Records maintained in the Security Incident Reporting System will be maintained for two years and then destroyed. Records maintained in NCIS Investigative Records System are generally maintained for not more than 25 years at which time they are destroyed. Some may be determined to be of significant historical value and will be offered/transferred to the National Archives and Records Administration.

ROUTINE USES: None other than the blanket routine uses established by the Department of Defense Privacy Office and posted at <http://www.defenselink.mil/privacy/notices/blanket-uses.html> or published as a routine use in Privacy Act System of Records Notice NM05580-1: SECURITY INCIDENT SYSTEM (posted at <http://www.privacy.navy.mil/privacy/noticenumber/NM05580-1.doc>) or in Privacy Act System of Records Notice N05520-4: NCIS INVESTIGATIVE RECORDS SYSTEM (posted at <http://www.privacy.navy.mil/privacy/noticenumber/N05520-4.asp>).

DISCLOSURE: Providing information on this form is voluntary. However, failure to provide may result in you not being granted access to a Marine Corps installation or program; incomplete information concerning a law enforcement investigation/report; limited ability to receive authorized services; etc. All collected personal data will be safeguarded pursuant to the rulemaking of the Privacy Act of 1974 (5 U.S.C. § 552a) and/or the personal privacy exemptions of the Freedom of Information Act [5 U.S.C. § 552(b)(6) and/or (b)(7)(C)], as applicable.

Figure 2-1.--Privacy Act Statement

2. Article 31 Rights

a. An Article 31 warning must be provided to all personnel subject to reference (c) who are suspected of an offense. Per the provisions of reference (c), the warning may be given by anyone subject to reference (c), but should be given by MPs/police officers who intend to question an individual suspected of an offense. In a field environment, MPs/police officers should read the advisement from a standardized, prepared card, rather than reciting from memory, so as to ensure the validity of the advisement. In a formal interview or interrogation, MPs/police officers will read the statement verbatim, as printed on the OPNAV 5580/3.

b. The point at which an individual is suspected of an offense is determined by the facts of the situation. In general, whenever there are sufficient facts to indicate that a crime has occurred, and that a particular individual may be culpable, then a warning must be given. Anyone apprehended for an offense must be warned before any attempt is made to question them.

c. An Article 31 warning should be given orally to a subject in the following manner:

(1) Identity of interviewer. The interviewer identifies him/herself as a MP/police officer, criminal investigator, etc.

(2) Status of the subject. The interviewer must advise the subject that he is a suspect of an offense, or that he/she has been apprehended for an offense.

(3) Nature of the offense. The offense must be described to the subject in understandable terms and as specifically as possible. Legal terms should be avoided. The following are examples:

(a) "Theft of a typewriter from Supply" (rather than "larceny of Government property")

(b) "Breaking windows at the NCO barracks" (rather than "malicious destruction of government property")

(c) "Striking a blue Ford on South Street and fleeing the scene" (rather than "hit and run")

(4) Advisement. The specific advisement is given as follows:

(a) You have the right to remain silent and make no statement at all.

(b) Any statement you do make can be used against you in a trial by court-martial or other judicial or administrative proceeding.

(c) You have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by you at no cost to the United States, a military lawyer appointed to act as your counsel at no cost to you, or both.

(d) You have the right to have a retained civilian lawyer and/or appointed lawyer present during this interview.

(e) You have the right to terminate this interview at any time, for any reason.

(5) Waiver of Rights. Following the advisement, the subject should be asked:

(a) Do you understand your rights?

(b) Are you willing to make a statement?

If the subject acknowledges his rights, states that he does not want to speak with a lawyer, and is willing to make a statement, then the interview may continue. If the subject does not understand his rights, requests a lawyer, or declines to make a statement, then the interview must be immediately terminated.

(6) Written Waiver. OPNAV 5580/3 will be used to document the subject's waiver of rights. This form also provides space at the bottom to begin a written statement. A written statement must always begin on the same page as the waiver of rights. No locally produced forms may be used in place of OPNAV 5580/3.

3. Miranda Rights

a. Civilians not subject to reference (c) who are suspected of an offense should be provided with a Miranda warning if they are in custody or otherwise deprived of freedom of action in any significant way. The determination of when an individual is in custody has been the subject of several Supreme Court decisions, and a specific determination of this matter should be obtained from the local staff judge advocate.

27 AUG 2008

b. The warning must be given by MPs/police officers. The point at which a civilian is suspected of an offense is the same as military personnel, see paragraph 2204.2b. Like Article 31 rights, in a field environment, Miranda rights advisements should be read from a standardized, prepared card, rather than reciting from memory, so as to ensure the validity of the advisement. In a formal interview or interrogation, MPs/police officers will read the statement verbatim, as printed on the OPNAV 5580/4.

c. Miranda warnings should be given to a subject in the following manner:

(1) Identity of the Interviewer. Same as Article 31.

(2) Status of the Subject. The interviewer must advise the subject that he is suspected of an offense, or that he has been detained for an offense.

(3) Nature of the offense: Same as Article 31.

(4) Advisement. The specific advisement should be given as follows:

(a) You have the right to remain silent and make no statement at all.

(b) Any statement that you do make can be used as evidence against you in a court of law or other judicial or administrative proceeding.

(c) You have the right to consult with a lawyer prior to any questioning.

(d) This may be a lawyer retained by you at no cost to the United States, or, if you cannot afford a lawyer, one will be appointed to represent you at no cost to you.

(e) You have the right to have your retained or appointed lawyer present during this interview.

(f) You may terminate this interview at any time, for any reason.

c. Waiver of Rights. Same as Article 31.

d. Written Waiver. OPNAV 5580/4 will be used to document the subject's waiver of the rights. This form also provides

27 AUG 2008

space at the bottom to begin a written statement. A written statement must always begin on the same page as the waiver of rights. No locally produced forms may be used in place of OPNAV 5580/4.

4. Special Considerations

a. Special circumstances surrounding the manner in which a suspect offers information or the personal status of the suspect in general, have an impact on the appropriate actions MPs/police officers should take when administering rights advisements. Some special circumstances MPs/police officers must be prepared to deal with include:

(1) Spontaneous Statements. These statements often occur when an individual volunteers information to MPs/police officers about a crime without having been warned or questioned. MPs/police officers are not required to interrupt a volunteered statement in order to warn an individual; however, the individual may not be questioned further about a criminal matter without benefit of the appropriate Article 31 or Miranda warning. This includes asking follow-up or clarification questions of the individual.

(2) Intoxicated Persons. Persons heavily under the influence of alcohol or drugs should not be questioned about a criminal matter. The voluntariness of any waiver of rights made by such a person will be questionable.

(3) Foreign Nationals. The United States maintains military facilities in foreign countries. Citizens of that country, another foreign country who commit an offense against the property of the United States, or against the person or property of members of the Armed Forces located at the activity are not subject to the laws of the United States. Therefore, if they are interrogated as criminal suspects, they should not be warned in accordance with the Fifth Amendment to the U.S. Constitution. They should be warned or advised in accordance with the procedures that control such advice in the country where the base is located. Such situations are extremely sensitive and specific guidance should always be obtained from the local staff judge advocate.

(4) Immigrant Aliens. Generally speaking, all people within the United States, whether citizens or not, are subject to the laws of this country. Therefore, with the exception of diplomatic personnel, these individuals should be afforded the same treatment as that given to civilian citizens of the United

27 AUG 2008

States. An immigrant alien is any person lawfully admitted into the United States under an immigration visa for permanent residence. Under certain conditions, immigrant aliens may be inducted or enlisted into the Armed Forces. When so inducted, they become subject to reference (c) and should be provided with the Article 31 warning when interrogated as criminal suspects. When no military association exists, a Miranda rights advisement must be made.

(5) Juveniles. A civilian warning must be given to a juvenile in terms which the juvenile can understand. The warning must also be given in the presence of a parent or guardian, if at all possible (see section 9000 for more details).

(6) Witness/Victim. A witness or victim of a crime will not be provided with an Article 31/Miranda warning of rights. If, during an interview, a witness or victim is reasonably suspected of an offense or making false statements, then appropriate warnings should be given at that time.

(7) Prior Admissions/Cleansing Warning. Occasionally a situation will occur in which a suspect has made incriminating statements to a command representative, or to other police personnel, without a proper warning beforehand. When it is suspected that an existing criminal admission was improperly obtained from a suspect, the suspect must be advised that the previous admission cannot be used against him in a trial by court-martial, or a court of law. This advice, known as a "cleansing warning," must be provided to the suspect during a second, proper advisement, as earlier defined, following the statement of the nature of the offense:

(a) I advise you that any prior illegal admissions or other improperly obtained evidence which incriminated you cannot be used against you in a trial by court-martial (for civilian: court of law).

(b) MPs/police officers will then proceed to read the appropriate rights advisement (Article 31 or Miranda/civilian rights advisement).

(8) Security questions. MPs/police officers may ask questions of a suspect, without a warning, for the protection of their personal security. For example, MPs/police officers apprehending a suspect fleeing from a burglary may ask "Is anyone else still in the building?" and "Do they have any weapons?" without first giving a warning. These questions are

asked only for the protection of MPs/police officers. Any follow up questions, such as "Where did they get the guns?" will require a proper warning.

5. Lineups. A lineup is a physical viewing of a subject by victims or witnesses in order to identify or eliminate the individual as a suspect in a crime.

a. An identification is unreliable and thus inadmissible at court-martial if the lineup or other identification process is so suggestive as to create a substantial likelihood of misidentification. Thus, the suspect must be viewed with other individuals of the same gender and race, and with similar physical characteristics and clothing.

b. A service member does not have the right to refuse to participate in a lineup; however, the service member suspect does have the right to consult with legal counsel and to have legal counsel present during a military lineup. Right to counsel at a non-military lineup for all other categories of person subject to reference (c) is to be governed by the Constitution and federal criminal procedure. OPNAV 5580/5 will be used to document the suspects Lineup-Acknowledgement and Waiver of Rights, which should be signed by the suspect who chooses not to consult with a lawyer or have one present at the lineup. This form is not used when the suspect requests the presence of a lawyer.

Section 2300 - Search and Seizure

2301. Purpose. This section provides guidelines and procedures for MPs/police officers when conducting searches and seizures of persons and places aboard Marine Corps installations.

2302. Policy

1. The Fourth Amendment to the U.S. Constitution protects the rights of individuals in matters involving search and seizure. Evidence obtained in violation of the Fourth Amendment as it is applied to the military will be excluded as evidence at court-martial. Therefore, any intrusion by the Government into areas in which an individual has a reasonable expectation of privacy may be a search within the meaning of the Fourth Amendment. Specific questions concerning search and seizure should be referred to the local staff judge advocate.

2. All MPs/police officers must know the legal requirements associated with searches and seizures in order to prevent the suppression of evidence, to support the Constitutional rights of the military community members and to maintain public confidence in our ability to carry out law enforcement functions in an ethical and legal manner.

2303. Definitions

1. Probable Cause. Probable cause to search exists when there is a reasonable belief that a person, property, or evidence connected to a crime is located in the place or on the person to be searched. For a search to be considered legal and the evidence seized as a result of that search to be used as evidence against an individual at court-martial, the search must be based on probable cause.

2. Reasonable Suspicion. Articulable facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been, is being, or is about to be committed. Reasonable suspicion must be more than a hunch or feeling, but need not meet the test for probable cause sufficient to apprehend or detain.

3. Authorization to Search. An express permission, written or oral, issued by competent military authority to search a person or an area for specified property or evidence or for a specific person and to seize such property, evidence or person. In the military community, the commanding officer responsible for the

27 AUG 2008

person or area to be searched is considered "competent military authority" for purposes of issuing search authorizations.

4. Exigent Circumstances. Even though probable cause exists to obtain a search authorization, some circumstances may arise when there is not time to get a search authorization without substantial risk of loss of evidence, escape of individuals, or harm to innocent people. When such circumstances exist, the warrant or command authorization requirement may be excused; however, probable cause must still exist (see above definition of probable cause).

5. Search Warrant. An express permission to search and seize issued by competent civilian (non-military) authority, and may be valid under certain circumstances aboard military installations, both in the United States, and in overseas locations under applicable status of forces agreements.

2304. Procedures

1. Searches Not Requiring Probable Cause

a. There are certain limited times when probable cause to search need not exist and the evidence seized is still admissible at courts-martial. Applicable federal and state statutes will determine the legality of the below searches involving personnel not subject to reference (c). Consult the local staff judge advocate for more information.

b. Searches upon entry to U.S. installations, aircraft, and vessels abroad. This includes vehicle searches which are part of a command authorized inspection or random vehicle inspection program, and all other vehicles and persons attempting to access a military installation, as provided for by the Internal Security Act of 1950.

c. Searches of U.S. Government property. Depending on the nature and use of government property, the government may retain the right to examine the property when it desires to do so. Government property may not be searched if the person to whom the property is issued or assigned has a reasonable expectation of privacy therein at the time of the search.

d. Consent searches. As a general rule, searches may be conducted if any person or property of the person to be searched or the person with control of the place to be searched voluntarily consents to that search. Care should be exercised to ensure that the party who consents has cognizance over the

area to be searched, and that the individual is not asked to identify property or an area to be searched, as such identification might be an unwarned admission, causing evidence discovered to be tainted and therefore inadmissible.

e. Frisks incident to a lawful stop. When a lawful stop is performed, the person stopped may be frisked for weapons when there is reasonable suspicion to believe the stopped person is armed and dangerous. Contraband or evidence located in the process of a lawful frisk may be seized.

f. Searches incident to a lawful apprehension/detention. A search may be conducted for weapons or destructible evidence in the area within the immediate control of a person who has been apprehended. The area within the person's "immediate control" is the area that the individual searching could reasonably believe that the person apprehended could reach with a sudden movement to obtain such property. This exception includes the passenger compartment of an automobile that was driven by an apprehended/ detained subject. This search must be contemporaneous in time and place with the apprehension/ detention.

g. Searches within jails, confinement facilities, or similar facilities. These are always subject to search as no expectation of privacy reasonably exists.

h. Emergency searches to save life or for related purposes. A search may be conducted of persons or property in a good faith effort to render immediate medical aid, to obtain information that will assist in the rendering of such aid, or to prevent immediate or ongoing personal injury.

i. Searches of open fields or woodlands. No expectation of privacy exists, therefore searches are lawful.

j. Fresh (hot) pursuit. MPs/police officers who are pursuing a person that they have probable cause to believe is armed and has just committed a serious crime may, for the purpose of their own safety, the safety of the general public, and the prevention of escape, search the building into which they have pursued the person.

2. Items that May Be Seized. The legality of a seizure is a separate question from the legality of a search. In order for an item seized to be admissible evidence, the person seizing it (assuming that person is a government official) must have a reasonable belief, at the time he seizes the item, that such

item is connected with a crime (i.e., contraband, the fruit of a crime, a weapon, or an item which aids in proof of the crime). The following are the items which may be seized during a lawful search:

a. Fruits of the Crime. These are items obtained during a crime. For example during a search of the premises in a burglary investigation, MPs/police officers may seize any items as evidence which were reported stolen in the burglary.

b. Fruits of a Second Crime. MPs/police officers may also seize items from another crime, even if the second crime was never reported, or its existence is otherwise unknown to them. During searches of suspects connected with the military it is not uncommon to discover items of government property which have never been reported stolen. These items may be seized until a determination of their true ownership can be made.

c. Instruments of a Crime. This category includes items used to commit the crime, such as burglary tools, a gun, a checkbook, etc.

d. Contraband. This category includes any item whose mere possession is unlawful. Narcotics, marijuana, counterfeit money, or a sawed-off shotgun are examples of contraband items when they are in the possession of persons outside of their official duties. Additionally, contraband includes items which are legal to possess, but forbidden by valid military regulations in certain circumstances. Examples may include personal, lawfully registered firearms which are stored in barracks rooms in violation of barracks regulations.

e. Weapons. Any item which is or can be used as a weapon may be seized for the protection of MPs/police officers, even if the item is not connected with the offense for which the search was authorized.

f. Evidence of a Crime. This category includes items which do not fit into any of the above categories, but are evidence of the crime for which the search was authorized. Examples of this category include blood stained clothing, soil samples from shoes, or unique items of clothing or jewelry which were previously described by a witness.

g. The Plain View Doctrine. If a government official is in a permissible location when an item of evidence is seen, and if that official reasonably believed that the item is connected with criminal activity, then the item can be seized. In the

27 AUG 2008

case of illegal drug or alcohol violations, the official's olfactory sense may be applied in the same manner, using a "plain smell" test for lawful seizure.

3. Obtaining a Search Authorization/Conducting an Authorized Search

a. Prior to requesting a command authorized search, MPs/police officers must have probable cause. If time permits, sworn statements should be obtained from witnesses providing information to establish probable cause. The MP/police officer must then complete the Affidavit for Search Authorization, OPNAV 5580/10. This form must be signed under oath. CID criminal investigators may obtain and swear to search warrants for locations outside the installation through NCIS and/or a local police/sheriff agency. See Reports and Forms Preparation Guide for the Navy Security Force for detailed information on completing forms.

b. The affidavit for search must then be presented to the commanding officer who has control over the place where the property or person to be searched is situated or found, or, if that place is not under military control, having control over persons subject to military law.

c. It is the responsibility of MPs/police officers to prepare the Command Authorization for Search and Seizure, OPNAV 5580/9, for the signature of the commanding officer. This form is then presented to the commanding officer with the request. If the authorization is granted, copies of it should be made prior to commencement of the actual search.

d. In conducting the search, the individual(s) having proprietary interest over the premises should be present. A copy of the authorization should be handed to the individual and he/she should be given sufficient time to read it. If the individual is also the suspect of the offense, then no questions should be asked without appropriate self-incrimination warnings (see section 2200). After serving the authorization, it is permissible to ask the individuals present to open locked doors, lockers, etc. providing they are cooperative and not a risk to the safety of MPs/police officers. If individuals are not cooperative, or refuse to open locks, then the locks may be forced open by MPs/police officers in such a manner as to cause the least damage to the property.

e. Occasionally, a search authorization may be served on an unoccupied premise, vehicle, shipping container, etc. In such

27 AUG 2008

situations, a command representative should be present to witness the search. A copy of the authorization should be left with the representative to be delivered to the suspect. Another copy, plus a copy of a receipt for property seized, should be left at the premises. It is the responsibility of MPs/police officers to secure the unoccupied premises after the search to prevent theft and vandalism.

f. If the authorization for search is for a specific item, such as a stereo by serial number, or clothing by description, then the search must be terminated as soon as the property is located. If the search authorization is for a nonspecific class of items, such as narcotics, or financial records, then the search may be continued throughout the premises since there is no way of determining how many of these items are present.

g. Following the search, a receipt for the property seized must be completed and provided to the individual with proprietary interest in the property, along with a copy of the authorization. A signed receipt must then be returned to the commanding officer authorizing the search. The original of the search authorization should be retained since it will be necessary to introduce it in court if any of the seized evidence is entered.

4. Permissive Search

a. A permissive search is conducted with the consent of the person searched. In order for evidence obtained through this type of search to be admissible in court, voluntariness of the consent must be demonstrated. The subject's knowledge of his right to refuse to consent to the search is one factor which will be considered in this determination.

b. A Permissive Authorization for Search and Seizure, OPNAV 5580/16, should be completed and signed by the subject in every situation in which a permissive search is requested. If oral consent authorization is obtained due to exigent circumstances or emergency, it is advisable to have a witness or witnesses present who would be able to testify, if necessary, to the voluntariness of the search.

c. Consent must be an act of free will, unfettered by governmental coercion, pressure or restraint. Should an individual ask what will happen if consent is not given, MPs/police officers may answer that they will seek authorization to search, but must not state or imply that authorization will be granted by competent authority.

27 AUG 2008

d. Although Miranda rights/Article 31 warnings are not legal requirements for obtaining valid consent for a permissive search, the individual must be notified of a right to refuse consent. It is therefore advisable that an individual be advised of his/her right to refuse consent prior to using consent as the basis for a search.

(1) Even when a valid authorization to search has been granted, or a warrant or other basis for the search exists, consent should be requested prior to use of the other basis as it can obviate the need to litigate the validity of such basis under most circumstances. If consent is refused, the other basis still remains as a valid option, and can then be used.

(2) The following oral advisement should be given: "You have the constitutional right to refuse to permit this search. You need not consent if you do not desire to do so."

e. A subject may withdraw consent at any time. If, during the course of a search, a subject states that he does not want the search to continue, then it must be terminated. Any evidence uncovered to that point may be used to substantiate probable cause, and the matter presented to the commanding officer for a search authorization if it is appropriate.

f. At the completion of the search, a receipt must be given to the subject for any property seized. While there is no requirement to provide a copy of the permissive authorization to the subject, there is no objection to doing so if the subject requests it. The original must be kept available for use in court regardless if the evidence seized is entered.

5. Inappropriate Search Principals/Concepts

a. Fruit-of-the-poisonous-tree doctrine is a legal term in the United States used to describe evidence gathered with the aid of information obtained illegally. The logic of the terminology is that if the source of the evidence (the "tree") is tainted, then anything gained from it (the "fruit") would be likewise. Such evidence is not generally admissible in court. The fruit-of-the-poisonous-tree doctrine is intended to deter police from using illegal means to obtain evidence. For example, a MP/police officer arrests a person for selling phony telephone cards after entering his home, finding a map where the cards were hidden and then finding the phone cards. A judge rules that the MP/police officer illegally entered the person's home and improperly seized a map showing the location where the person hid the phone cards. Because the MP/police officer

obtained the map through an illegal search (poisonous tree), the phone cards are the fruit of that unlawful search and are therefore inadmissible into evidence. The doctrine is an extension of the exclusionary rule, which, subject to some exceptions, prevents evidence obtained in violation of the Fourth Amendment from being admitted in a criminal trial. Like the exclusionary rule, the fruit-of-the-poisonous-tree doctrine is intended to deter police from using illegal means to obtain evidence. The doctrine is subject to three main exceptions. The tainted evidence will be admissible if (1) it was discovered in part as a result of an independent, untainted source; (2) it would inevitably have been discovered despite the tainted source; or (3) the chain of causation between the illegal action and the tainted evidence is too attenuated.

b. Another rule to consider is called the elephant in the matchbox. This means if a MP/police officer is looking for an elephant, they can't look for it in a matchbox. A MP/police officer may only look for an item where it will fit. For example, if the Search Authorization says the MPs/police officers are permitted to search a home for anti-assault weapons, they cannot open a ring box in the back of a sock drawer.

6. Special Searches

a. Searches in schools. Well publicized incidents in recent years have indicated a need to maintain safety and security in our schools. Though DOD Dependent Schools are government entities, and operate on government property, evolving case law in many locations limit what MPs/police officers may do in the way of searching and seizing evidence in a school setting, absent exigent circumstances. Consultation with the staff judge advocate, and concerned stake holders (school administrators, principals, and teachers) in the school system must be conducted before planned law enforcement operation in schools. The below procedures represent best practices in supporting searches, and response to crime within schools.

(1) School officials may search a student, a student's locker and/or a student's property, as provided for by applicable law, when the official has reasonable suspicion to believe that the student is involved in either illegal activity or a violation of the school rules.

(2) A MP/police officer may stand by during the search, but may not participate in the search.

27 AUG 2008

(3) Prior to taking legal action based on evidence that was seized by a school official, the responding MP/police officer should verify the following.

(a) That the school official had reasonable suspicion for conducting the search and that the scope and duration of the search were reasonably related to the purpose for the search.

(b) That the search was conducted in the school or on school controlled property.

(c) That the search was not conducted by a MP/police officer or at the request of a MP/police officer.

b. Third party searches/searches by private persons. The U.S. Supreme Court has found that the Fourth Amendment of the U.S. Constitution is not applicable to searches by private parties, even when those searches are clearly illegal. It is possible to receive evidence from a private party search in many ways, some of which are listed below:

(1) A non-government employer searching an employee's work area in a contract area on the installation (including commercial establishments such as banking facilities, fast food restaurants on base, public-private housing venture management offices, etc.)

(2) A family member searching their assigned government quarters

(3) A common carrier, such as UPS, searching a package entrusted to their care

(4) A temporary quarters employee/contracted cleaning staff searching a room

(5) Evidence delivered anonymously to the PMO/MCPD.

(6) In cases where evidence is provided by a third party, it is not always necessary that the private party hand-deliver the evidence to the installation law enforcement entity. When the item of evidentiary value is lawfully within their control, the private party may call the PMO/MCPD to retrieve that item. However, the MP/police officer must have a lawful right to be in the place where he/she retrieves the item, and the officer may not participate in the search conducted by the third party.

27 AUG 2008

c. Medical Records

(1) Records of medical treatment obtained in Department of the Navy facilities are the property of the government, and may be obtained by MPs/police officers for official purposes.

(2) Authority to Release Medical Information and Records, OPNAV 5527/14, must be completed to obtain civilian medical records.

d. Financial Records. Records of banks, credit unions, and other financial institutions are protected by the Right to Financial Privacy Act of 1978. Occasionally it becomes necessary to examine an individual's bank records in connection with an official matter. The most common situation encountered by MPs/police officers will be investigations of worthless checks where the suspect contends that there were sufficient funds in the bank to cover the checks. A Customer Consent and Authorization for Access to Financial Information form, OPNAV 5527/13, should be used to obtain access to the appropriate records. Additional guidance in this area should be obtained from the local staff judge advocate.

7. Searches of the Body. As stated in para 2304.1, MPs/police officers may conduct searches of a suspect's body incident to custody, and conduct frisks incident to field interviews, as allowed by law, without a consent to search authorization. Other, more invasive bodily searches require authorization from competent authority. The following are various types of bodily searches a MP/police officer may conduct, in consideration of a variety of tactical factors and situational elements at the time of response. The key factors to remember are that bodily searches are invasive, and involve close personal contact. Professionalism and tact, in balance with the overriding goal of protecting both the officer and the suspect from harm or injury are the paramount goals in conducting bodily searches.

a. Conducting "frisk" or pat down searches. Performed incident to a stop or field interview, when there is reasonable suspicion of criminal activity, MPs/police officers use external feeling of the outer garments of an individual to identify potential weapons. MPs/police officers are to conduct these frisks or pat down searches only using authorized, accepted techniques instructed in their defensive tactics training (see chapter 6 for more details). When reasonable suspicion justifies a pat-down search, the search should be performed with due caution, restraint, and sensitivity. These searches may

27 AUG 2008

only be performed to protect the safety of MPs/officers and others and may never be used as a pretext for "shaking down" individuals or groups of individuals to obtain evidence or for other purposes. Pat-down searches should be conducted in the following manner.

(1) Whenever possible, pat-down searches should be conducted by at least two MPs/police officers, one who performs the search while the other provides protective cover.

(2) Because pat-down searches are cursory in nature, they should be performed with the suspect in a standing position or with hands placed against a stationary object and feet spread apart. Should a MP/police officer visually observe a weapon, however, a more secure search position may be used, such as the prone position.

(3) In a pat-down search, officers are permitted only to feel the outer clothing of the suspect. MPs/police officers may not place their hands in pockets unless they feel an object that could reasonably be a weapon, such as a firearm, knife, club, or other item.

(4) If the suspect is carrying an object such as a handbag, suitcase, briefcase, sack, or other item that may conceal a weapon, the MP/police officer should not open the item, but instead place it out of the suspect's reach.

(5) If the external feeling of the suspect's clothing fails to disclose evidence of a weapon, no further search may be made. If evidence of a weapon is present, a MP/police officer may retrieve that item only. If the item is a weapon, the possession of which is a crime, the officer may make an apprehension/ detention of the suspect and complete a full-custody search of the suspect.

b. Conducting searches incident to apprehension/detention/handcuffing. Whenever possible, searches incident to custody, and/ or in preparation for applying restrains such as handcuffs, shall be conducted by MPs/police officers of the same gender as that of the person being searched.

(1) As circumstances permit, MPs/police officers of the same gender may be recalled to duty, should there be no duty personnel of the same gender as the subject.

27 AUG 2008

(2) Should a MP/police officer of the same gender be unavailable, support personnel of the suspect's gender may be called on scene to witness the search.

(3) All searches of suspects will be conducted using methods demonstrated in the approved defensive tactics program only (see section 6200 for more details).

c. Strip Searches. All strip searches that are not incident to confinement in a military prison facility must be coordinated with the staff judge advocate, and authorized by a commanding officer or competent authority to authorize searches. When authorized, such searches shall be conducted only with proper authority and justification, with due recognition and deference for the human dignity of those being searched.

(1) Individuals apprehended or detained for offenses of a nonviolent nature shall not be subject to strip searches unless the arresting officer has articulable, reasonable suspicion to believe that the individual is concealing contraband or weapons. Reasonable suspicion may be based upon, but is not limited to the following.

(a) The nature of the offense charged.

(b) The subject's appearance and demeanor.

(c) The circumstances surrounding the arrest.

(d) The subject's criminal record, particularly past crimes of violence and drug offenses.

(e) The discovery of evidence of a major offense in plain view or in the course of a search incident to the arrest.

(f) Detection of suspicious objects beneath the suspect's clothing during a field search incident to arrest.

(2) Where articulable reasonable suspicion exists to conduct a strip search, the MP/police officer shall ensure that the authorization to search form (Command Authorization for Search and Seizure OPNAV 5580/9) clearly defines the basis for suspicion.

(3) When authorized by the competent authority, strip searches may be conducted only as follows.

(a) By specially trained and designated personnel.

27 AUG 2008

(b) In conformance with approved hygienic procedures and professional practices.

(c) In a room specifically authorized for this purpose.

(d) By the fewest number of personnel necessary and only by those of the same gender.

(e) Under conditions that provide privacy from all but those authorized to conduct the search.

(4) Following a strip search, the MP/police officer performing the search shall submit a written report, as a supplement to the IR that details, at a minimum, the following.

(a) Date and place of the search.

(b) Identity of the officer conducting the search.

(c) Identity of the individual searched.

(d) Those present during the search.

(e) A detailed description of the nature and extent of the search.

(f) Any weapons, evidence or contraband found during the search.

d. Body Cavity Searches. Should visual examination of a suspect during a strip search and/or other information lead a MP/police officer to believe that the suspect is concealing a weapon, evidence or contraband within a body cavity, the following procedures shall be used:

(1) The suspect shall be kept under constant visual surveillance until a body cavity search is conducted or an alternative course of action taken.

(2) The MP/police officer shall consult with his immediate supervisor to determine whether probable cause exists to seek a search authorization for a body cavity search. The decision to seek a search authorization shall recognize that a body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature and/or poses a threat to the safety of MPs/police

27 AUG 2008

officers or others and/or the security of the PMO/MCPD detention operations.

(3) If probable cause exists for a body cavity search, a Command Authorization for Search and Seizure Form, OPNAV 5580/9, shall be prepared that clearly defines the nature of the alleged offense and the basis for the MP's/police officer's probable cause.

(4) On the basis of a command authorization, a body cavity search shall be performed only by a military physician or by other medical personnel at the physician's direction.

(5) For safety and security reasons, the search shall be conducted at the PMO/MCPD holding cell/detention space or other authorized facility and in the room designated for this purpose.

(6) Body cavity searches shall be performed with due recognition of privacy and hygienic concerns previously addressed in this section.

(7) The authorized individual conducting the search shall file a report with the requesting law enforcement agency (PMO/MCPD). The witnessing MP/police officer shall co-sign that report and comply with information requirements specified in this section.

27 AUG 2008

Chapter 3

Organizational Structure, Agreements, Assessments,
and ValidationSection 3000 - PMOs and MCPDs in Support of
the National Incident Management System

3001. Purpose. This section provides an introduction to the National Incident Management System (NIMS) and the Incident Command System (ICS), with emphasis on how PMOs/MCPDs work within the framework of existing command structures to support crisis management and facilitate a common operating picture.

3002. General. The National Response Plan (NRP) establishes a single, comprehensive approach to domestic incident management to prevent, prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies. The NRP is an all-hazards plan built on the template of the NIMS. The NIMS provides a consistent doctrinal framework for incident management at all jurisdictional levels regardless of the cause, size, or complexity of the incident. The NRP, using the NIMS, provides the structure and mechanisms for national-level policy and operational direction for domestic incident management. The NRP can be partially or fully implemented in the context of a threat, anticipation of a significant event, or in response to an incident requiring a coordinated federal response. This includes events with potential national or long-term implications such as a public health emergency or a cyber incident. Selective implementation through the activation of one or more of the NRP elements allows maximum flexibility to meet the unique operational and information-sharing requirements of any situation and enables effective interaction among various federal, state, local, tribal, private-sector, and other nongovernmental entities.

1. The NRP forms the basis of how federal departments and agencies will work together and how the federal government will coordinate with state, local, and tribal governments and the private sector during domestic incidents. The Incident Command System (ICS) provides and defines common terminology and a doctrinal framework for organizing response assets under either a single Incident Commander (IC), or in cases of multi-agency jurisdiction and response, a Unified Commander (UC).

2. For coordination of military efforts in response to a domestic incident, the Department of Homeland Security (DHS) functions as the coordinator of all federal response efforts,

27 AUG 2008

and works to assist the Lead Federal Agency (LFA) for the incident by coordinating other federal assets and resources in support of the crisis response.

3. The Department of Defense (DOD) has significant resources that may be available to support the federal response to terrorist attacks, major disasters or other emergencies, and has a historical role in supporting response to domestic incidents of all types, under various circumstances. DOD support of domestic incidents has evolved in response to historical and legal precedents, and is further defined in the NRP as it exists today.

4. The Secretary of Defense authorizes Defense Support of Civil Authorities (DSCA) for domestic incidents as directed by the President or when consistent with military readiness operations and appropriate under the circumstances and the law. The Secretary of Defense retains command of military forces providing civil support. The execution of DSCA operations is accomplished through the United States Northern Command (NORTHCOM), and the joint offices and standing joint task forces therein. For the Marine Corps, support for a domestic DSCA operation, outside of standing joint task force structure, would come from an official tasker originating at Marine Forces North (MARFORNORTH).

3003. Policy. It is imperative that installation law enforcement executives and MPs/police officers understand and operate within the framework of NIMS and the ICS. The Emergency Management Institute of FEMA offers web based training on the NIMS at the following web-site:

<http://training.fema.gov/emiweb/is/>. At a minimum, all MPs/police officers must complete IS-100 Introduction to the Incident Command System. Supervisory personnel (commissioned and staff non-commissioned officers, and civilian police officers with the title of sergeant or above) must complete both IS-100 and IS-700 National Incident Management System; An Introduction.

3004. Definitions. The ICS provides over 120 common definitions of terms, titles, organizations, and resource type classes. These terms were standardized nationally to ensure that all responding agencies have a common understanding when a single term is used, and when requests for assets are coordinated. Included here are terms which, though historically used within the Marine Corps law enforcement field, may have a different definition or implication within the ICS. Local policies should be updated to reflect the appropriate use of

27 AUG 2008

these terms, when the definitions have an impact on the understanding of implied authority, or the operational structure under the ICS. This definition list covers only the most commonly used terms, and should not be used as a single source reference. Law enforcement executives and senior MPs/police officers must instead be familiar with all of the terms used in NIMS, reference (n), and ensure that local SOPs and orders are written in compliance with the structure of the NIMS/ICS. For the purposes of the NIMS, the following terms and definitions apply.

1. Area Command ((AC) Unified Area Command)). An organization established (1) to oversee the management of multiple incidents that are each being handled by an ICS organization or (2) to oversee the management of large or multiple incidents to which several Incident Management Teams have been assigned. AC has the responsibility to set overall strategy and priorities, allocate critical resources according to priorities, ensure that incidents are properly managed, and ensure that objectives are met and strategies followed. AC becomes Unified Area Command when incidents are multi-jurisdictional. AC may be established at an emergency operations center facility or at some location other than an incident command post. For the Marine Corps, this would be the installation command or MCI if multiple installations are involved.
2. Assisting Agency. An agency or organization providing personnel, services, or other resources to the agency with direct responsibility for incident management.
3. Common Operating Picture. A broad view of the overall situation as reflected by situation reports, aerial photography, and other information or intelligence. A common operating picture facilitates collaborative planning and assists all echelons in achieving situational awareness.
4. Communications Unit. An organizational unit in the Logistics Section responsible for providing communication services at an incident or an Emergency Operations Center (EOC). A Communications Unit may also be a facility (e.g., a trailer or mobile van) used to support an Incident Communications Center.
5. Chief. The ICS title for individuals responsible for management of functional sections: Operations, Planning, Logistics, Finance/Administration, and Intelligence (if established as a separate section).

27 AUG 2008

6. Emergency Operations Centers (EOCs). The physical location at which the coordination of information and resources to support domestic incident management activities normally takes place. An EOC may be a temporary facility or may be located in a more central or permanently established facility, perhaps at a higher level of organization within a jurisdiction. EOCs may be organized by major functional disciplines (e.g., fire, law enforcement, and medical services), by jurisdiction (e.g., federal, state, regional, county, city, tribal), or some combination thereof.

7. Emergency Operations Plan. The "steady-state" plan maintained by various jurisdictional levels for responding to a wide variety of potential hazards.

8. Event. A planned, non-emergency activity. ICS can be used as the management system for a wide range of events, e.g., parades, concerts, or sporting events.

9. Function. Function refers to the five major activities in ICS: Command, Operations, Planning, Logistics, and Finance/Administration. The term function is also used when describing the activity involved, e.g., the planning function. A sixth function, Intelligence, may be established, if required, to meet incident management needs. Note: Law Enforcement, Fire, and Emergency Services, under the ICS, are not independent functions, nor are these services command entities. Under the common ICS, tactical coordination and maintenance of the common operating picture is the responsibility of the Operations function. Correspondingly, on installations, this responsibility is doctrinally managed by the installation G-3/S-3 or Operations Department.

10. Operations Section. The section responsible for all tactical incident operations. In ICS, it normally includes subordinate branches, divisions, and/or groups.

11. General Staff. A group of incident management personnel organized according to function and responsible to the IC. The General Staff normally consists of the Operations Section Chief, Planning Section Chief, Logistics Section Chief, and Finance/Administration Section Chief.

12. Command Staff. In an incident management organization, the Command Staff consists of the Incident Command and the special staff positions of Public Information Officer, Safety Officer, Liaison Officer, and other positions as required, who

27 AUG 2008

are responsible directly to the IC. They may have an assistant or assistants, as needed. Depending on the structure predetermined by the installation, PM/PC, Provost Sergeant or ISS may serve in a special staff position, in an advisory capacity, and work in coordination with the Operations Section Chief to provide tactical law enforcement response to an incident.

13. Incident. An occurrence or event, natural or human-caused, which requires an emergency response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, wild-land and urban fires, floods, hazardous material spills, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response.

14. Incident Action Plan (IAP). An oral or written plan containing general objectives reflecting the overall strategy for managing an incident. It may include the identification of operational resources and assignments. It may also include attachments that provide direction and important information for management of the incident during one or more operational periods.

15. Incident Command Post (ICP). The field location at which the primary tactical-level, on-scene incident command functions are performed. The ICP may be collocated with the incident base or other incident facilities and is normally identified by a green rotating or flashing light.

16. Incident Command System (ICS). A standardized on-scene emergency management construct specifically designed to provide for the adoption of an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, designed to aid in the management of resources during incidents. It is used for all kinds of emergencies and is applicable to small as well as large and complex incidents. ICS is used by various jurisdictions and functional agencies, both public and private, to organize field-level incident management operations.

17. Incident Commander (IC). The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and the release of resources at the incident site. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.
18. Incident Management Team (IMT). The IC and appropriate Command and General Staff personnel assigned to an incident.
19. Incident Objectives. Statements of guidance and direction necessary for selecting appropriate strategy(s) and the tactical direction of resources. Incident objectives are based on realistic expectations of what can be accomplished when all allocated resources have been effectively deployed. Incident objectives must be achievable and measurable, yet flexible enough to allow strategic and tactical alternatives.
20. Initial Action. The actions taken by those responders first to arrive at an incident site.
21. Jurisdiction. Range or sphere of authority. Public agencies have jurisdiction at an incident related to their legal responsibilities and authority. Jurisdictional authority at an incident can be political or geographical (e.g., city, county, tribal, state, or federal boundary lines) or functional (e.g., law enforcement, public health).
22. Multi-jurisdictional Incident. An incident requiring action from multiple agencies that each have jurisdiction to manage certain aspects of an incident. In ICS, these incidents will be managed under the Unified Command.
23. Mutual-Aid Agreement (MAA). Written agreement between agencies and/or jurisdictions that they will assist one another on request, by furnishing personnel, equipment, and/or expertise in a specified manner. These agreements, between military installations and local entities, may also be referred to as memoranda of agreement (MOA), or memoranda of understanding (MOU).
24. Response. Activities that address the short-term, direct effects of an incident. Response includes immediate actions to save lives, protect property, and meet basic human needs. Response also includes the execution of emergency operations plans and of mitigation activities designed to limit the loss of life, personal injury, property damage, and other unfavorable

27 AUG 2008

outcomes. As indicated by the situation, response activities include applying intelligence and other information to lessen the effects or consequences of an incident; increased security operations; continuing investigations into the nature and source of the threat; ongoing public health and agricultural surveillance and testing processes; immunizations, isolation, or quarantine; and specific law enforcement operations aimed at preempting, interdicting, or disrupting illegal activity, and apprehending actual perpetrators and bringing them to justice.

25. Recovery. The development, coordination, and execution of service- and site-restoration plans; the reconstitution of government operations and services; individual, private-sector, nongovernmental, and public-assistance programs to provide housing and to promote restoration; long-term care and treatment of affected persons; additional measures for social, political, environmental, and economic restoration; evaluation of the incident to identify lessons learned; post-incident reporting/notification; and development of initiatives to mitigate the effects of future incidents.

26. Strike Team. A set number of resources of the same kind and type that have an established minimum number of personnel. For the Marine Corps, a strike team is more narrowly defined as a minimum number of trained personnel and a standard cache of equipment organized to respond to certain incidents.

27. Task Force. Any combination of resources assembled to support a specific mission or operational need. All resource elements within a Task Force must have common communications and a designated leader.

28. Threat. An indication of possible violence, harm, or danger. This includes the threat of an unwanted (deliberate or accidental) event that may result in harm to an asset. Often, a threat will exploit a known vulnerability or multiple vulnerabilities in an asymmetrical method.

29. Type. A classification of resources in the ICS that refers to capability. Type 1 is generally considered to be more capable than Types 2, 3, or 4, respectively, because of size; power; capacity; or, in the case of incident management teams, experience and qualifications.

30. Unified Command (UC). An application of ICS used when there is more than one agency with incident jurisdiction or when incidents cross political jurisdictions. Agencies work together

27 AUG 2008

through the designated members of the UC, often the senior person from agencies and/or disciplines participating in the UC, to establish a common set of objectives and strategies and a single IAP.

3005. Procedures

1. MPs/police officers at all levels must understand the provisions of the ICS, and their meanings, in support of two overarching scenarios.

a. Properly requested and tasked assistance that is provided to agencies in response to an incident that occurs off-installation

b. Management of incidents occurring on the installation.

2. Off Installation Support. References (i), (l), and (cc) preclude the use of active duty military personnel subject to reference (c) and civilian police officers employed by the military in performing direct law enforcement activities, such as the arrest of suspected criminals, search for and seizure of evidence, and the investigation of criminal activities, unless specifically authorized by the Constitution or an act of Congress. However, the military has a long tradition of providing support and assistance to civil authorities during various incidents, including domestic emergencies such as fires, hurricanes, floods and earthquakes. The primary mission authority allowing the DOD to engage in domestic consequence management operations is reference (o).

a. Presidential Declared Disaster Relief. The Stafford Act authorizes the President to provide disaster and emergency assistance to state and local governments upon receipt of a request from a governor. Deployment of a standing JTF, at the direction of the Commander, U.S. Northern Command, and on the authority of the Secretary of Defense, would occur only after a governor requests federal assistance from the President, and after the President issues a presidential disaster declaration. Such assistance will, in almost all cases, be coordinated by request of the lead agency, through the DHS, to the Office of the Secretary of Defense, and on to the cognizant combatant command (in CONUS, NORTHCOM) for further tasking via Headquarters Marine Corps (PP&O), should additional resources outside of a standing JTF be required. Should PMO/MCPD MPs/police officers be tasked to support the response effort for an incident off installation, there are two key and seemingly contradictory points to be considered:

27 AUG 2008

(1) The Secretary of Defense (and by extension, local military authorities) retains operational control of the personnel sent to perform as part of DOD's response as an assisting agency.

(2) The Unified Incident Commander (UIC) retains control and responsibility for all incident activities, including the development of strategies and tactics and the ordering and the release of resources.

b. Unless expressly stated otherwise by an act of Congress or specifically authorized by the Constitution, the UIC will not be a military officer or a member of DOD. In most scenarios, the UIC will be a state or civilian federal official. While retaining control of DOD personnel, military lawyers and other senior members of the DOD will normally serve as liaison officers, or agency representatives in the Unified Command Staff, in order to coordinate the activities that DOD personnel will perform.

c. Immediate Response. Per the provisions of reference (p), prior to a Presidential declaration of disaster, military commanders are authorized to render immediate assistance upon request from local authorities, in order to save human lives, prevent human suffering, or to mitigate great property damage when conditions and time do not permit approval from higher headquarters. Such assistance is rendered in the immediate vicinity of the installation rendering support, and the next higher headquarters must be notified as soon as possible. There are several considerations for military commanders outlined in reference (p), which must be reviewed and understood prior to the commitment of military forces in support of immediate local incident response.

3. Incident Response on Installation. At the local level, emergency operations plans must be developed and refined to reflect the ICS standards. On many installations, this is accomplished through a coordinated staff effort and these plans are approved by an installation commander. Installation level work relationships and individual commanders may determine how authority and span of control are delegated and managed at the local level and may modify the basic ICS structure to satisfy incident based needs. The benefits of the ICS are:

a. ICS is a standardized on-scene incident management concept designed specifically to allow responders to adopt an integrated organizational structure equal to the complexity and

demands of any single incident or multiple incidents without being hindered by jurisdictional boundaries.

b. An ICS enables integrated communication and planning by establishing a manageable span of control. An ICS divides emergency response into five manageable functions essential for emergency response operations: Command, Operations, Planning, Logistics, and Finance and Administration (see figure 3-1 for a typical ICS structure).

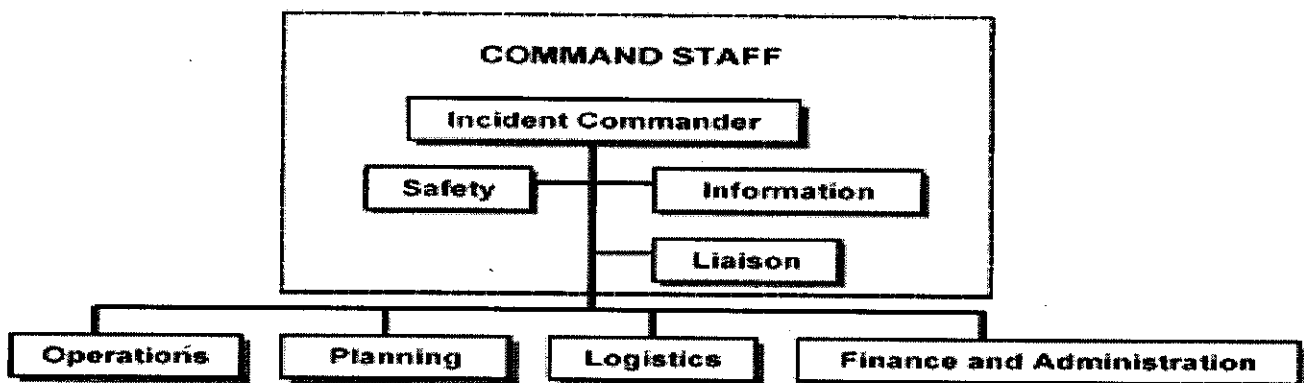


Figure 3-1.--Incident Command System Structure

c. The modular organization of the ICS allows responders to scale their efforts and apply parts of the ICS structure that best meet the demands of the incident. There are no hard and fast rules for when or how to expand the ICS organization. Many incidents will never require the activation of Planning, Logistics or Finance/Administrative Sections, while others will require some or all of them to be established. A major advantage of the ICS organization is the ability to fill only those parts of the organization that are required. For some incidents and in some applications, only a few of the organization's functional elements may be required. However, if there is a need to expand the organization, additional positions exist within the ICS framework to meet virtually any need.

d. The modular concept described above is based on the following considerations:

(1) Developing the form of the organization to match the function or task to be performed.

(2) Staffing only the functional elements that are required to perform the task.

27 AUG 2008

(3) Observing recommended span-of-control guidelines.

(4) Performing the function of any non-activated organizational element at the next highest level.

(5) Deactivating organizational elements no longer required.

e. Essential to managing a large, multi-agency incident is the establishment of an emergency operation center (EOC). The EOC is normally operated under the staff cognizance of the installation G-3/S-3/Operations Department. PMO/MCPD usually provides a senior law enforcement representative, the Fire Chief (if the Fire Department operates in an integrated emergency services structure, and is responsible to the PM/PC), and appropriate admin personnel to support the IC and coordinate staff issues.

f. Joint operations with civilian federal and local law enforcement agencies must be coordinated through the Naval Criminal Investigative Service (NCIS). The Special Agent in Charge, or other senior NCIS representative at a satellite office on the affected installation, is charged with the lead coordination effort with civilian agencies supporting a coordinated incident response. Often, this coordination is the result of standing working relationships, or pre-formed joint military-civilian response task forces. On installations and within jurisdictions where this pre-existing arrangement exists, through either an MAA, MOA, or MOU, the senior law enforcement executive should ensure that military-civilian task force procedures conform to the ICS within NIMS.

g. Communication/Common Operating Picture. In addition to the EOC, one or several geographically based ICPs may be established, depending on the scope and characteristics of the incident. In the ICP, a law enforcement supervisor (typically the Watch Commander, or similarly qualified MP/police officer) will direct and manage response procedures directly at the incident site. The law enforcement representative within the EOC maintains situational awareness of the entire incident. The EOC representative maintains continual communication with the ICP and maintains status boards that mirror (with minimal delay) the status boards at the ICP. The EOC provides operational and logistical support to the ICP, communicates incident command guidance (using mission type orders as a basis for operations) and coordinates installation staff requirements. The Mobile Command Post Vehicle (MCPV) can be utilized to achieve the goal

27 AUG 2008

of maintaining constant communication with the EOC and should be considered as a primary option for the location of the ICP.

4. The PM/PC serves as the installation commander's senior law enforcement representative and as a special staff officer responsible for the daily operations and management of the PMO/MCPD. Installations may also have an ISS/PS director, which provides oversight to all aspects of emergency management aboard the installation, including fire protection services and coordination of all emergency first response activities. Typically, in an ISS/PS structure, the PM/PC remains the senior representative for police services. In creating local policies and procedures, PM/PC must ensure that daily operations are conducted in a way that facilitates a seamless transition into an ICS posture. Maintaining positive working relationships and ensuring that all procedures support the implementation of NIMS is a fundamental responsibility of the PM/PC, and all senior law enforcement executives. Among policies that should be considered:

a. Communications Procedures/Use of "10-Codes." Under NIMS, use of "10-Codes" is officially discouraged in daily operations, because it breeds confusion when multi-agency incident response is implemented. Differences in "10-Codes," even in adjacent jurisdictions, are significant enough to dissuade their use as a daily practice.

b. Watch Procedures/Operations Directives. Terminology used commonly within the ICS should be implemented within all local watch procedures and directives.

c. Exercise Planning and Support. Standing EOCs and EOPs should be implemented at the local level, in accordance with NIMS, as well as all applicable DOD, Department of the Navy (DON), and Marine Corps Orders and directives.

5. The designated installation operations officer/chief is responsible for coordinating the tactical response to all incidents and maintaining the COP. MPs/police officers assist this effort through timely notification of all incident developments, use of common terminology, and the application of law enforcement expertise in the formulation and execution of the IAP.

Section 3100 - Provost Marshal's Offices (PMOs)

3101. Purpose. This section provides the organizational structure of a typical Marine Corps garrison PMO.

3102. Policy

1. On installations with a PMO, the PM serves as the installation commander's senior law enforcement representative and as a special staff officer responsible for the daily operations and functional management of the PMO. Installations may also have an ISS/PS that provides oversight to all aspects of emergency management aboard the installation including fire protection services and coordination of all emergency first response activities. See section 2000 for more details on mission and authority.
2. Many installations, as a result of planned billet conversions under various program initiatives, have a purposefully planned mix of military and civilian employees within their organization. Examples are myriad, and include a wide spectrum of local conversion initiatives, including billet conversion of administrative sections from military members to permanent civilian employees, conversion of the Deputy Provost Marshal billet to civilian while maintaining a largely military work force, and conversion to permanent civilian personnel for investigatory support functions such as evidence custodians. In each case, reference (e), this Order, and relevant Office of Personnel Management (OPM) and DON references (including the position description maintained by the local Human Resources Office) govern the daily conduct of duty within the individual billet assignment. MPs/police officers/security personnel/contractor security guards abide by the provisions of references (c), (g), (h), and (i), and all other applicable laws when conducting their daily duty. The actual conduct of duty, and level of support to the installation commander, must be transparent and seamless, regardless of the personnel makeup of the organization.
3. The organizational structure of the PMO normally consists of Police Administration/Services, Operations, and Criminal Investigation Division (CID). A PMO is so designated if the senior ranking law enforcement official organic to the structure is a commissioned officer in the United States Marine Corps, and a majority of the organic work structure consists of uniformed service members of the United States Marine Corps. Personnel may be assigned to designated billets with titles that have been modified to reflect the status of the individual in the job.

27 AUG 2008

Example: a PMO (so designated by the fact that the senior law enforcement member organic to the structure is a commissioned military officer) may have a PM, and a civilian senior police officer or civilian employee as the second ranking person in the organization. That individual may be designated as Deputy Police Chief. Likewise, a MCPD (so designated if the senior ranking law enforcement official organic to the structure is a civilian police officer) may have a PC, and the second ranking person in the department, if a commissioned military officer, may retain the title of Deputy Provost Marshal. In each case, local variations may be prevalent. CID is under the direct control of the PM and the CID Officer (or Chief Investigator if no CID Officer is assigned) is responsible directly to and is supervised by the PM. The Operations Officer and Support Services Officer is responsible directly to either the Deputy PM or PM. Figure 3-2 depicts an ideal PMO organizational structure. Figure 3-3 depicts functional areas of responsibility.

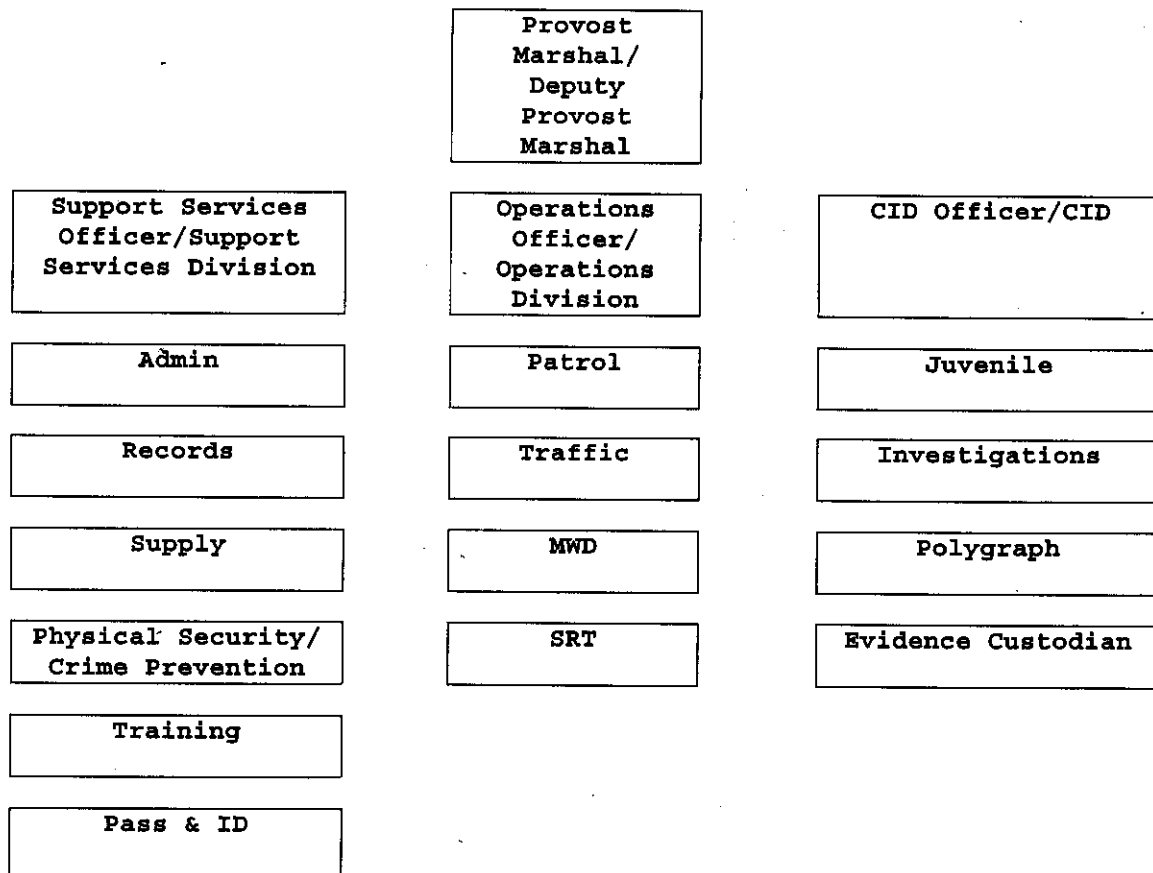


Figure 3-2.--PMO Organization

FUNCTION	OPERATIONS	INVESTIGATIONS	SERVICES
PATROL	X		
TRAFFIC ENFORCEMENT	X		
MILITARY WORKING DOGS (MWD)	X		
CRITICAL INCIDENT RESPONSE	X	X	X
FLIGHTLINE SECURITY	X		
GAME WARDEN	X		
CUSTOMS	X		
INSTALLATION ACCESS CONTROL	X		X
DETENTION CELLS	X		
PROTECTIVE SERVICES		X	
CRIMINAL INVESTIGATIONS		X	
TRAFFIC ACCIDENT INVESTIGATIONS	X	X	
POLYGRAPH		X	
SPECIAL EVENTS	X	X	X
REGISTRATION (VEHICLE, PET, AND WEAPON)	X		X
CRIME PREVENTION	X	X	X
PHYSICAL SECURITY			X
POLICE RECORDS	X	X	X
LOST AND FOUND	X		X
VEHICLE IMPOUND	X		X
ANIMAL CONTROL			X
STATISTICAL REPORTING			X
POLICE/COURT LIAISON			X
SPECIAL REACTION TEAM (SRT)	X		
TRAINING			X

Figure 3-3.--Functional Responsibilities

Section 3200 - Marine Corps Police Departments (MCPDs)

3201. Purpose. This section provides the organizational structure of a typical MCPD.

3202. Policy

1. On installations with a MCPD, the PC serves as the installation commander's senior law enforcement representative and as a special staff officer responsible for the daily operations and functional management of the MCPD. Installations may also have an ISS/PS, which provides oversight to all aspects of emergency management aboard the installation, including fire protection services and coordination of all emergency first response activities. See section 2000 for more details on mission and authority.

2. The organizational structure of the MCPD normally consists of Police Administration/Services and Operations with an Investigations Branch. A MCPD is so designated if the senior ranking law enforcement official organic to the structure is a civilian police officer and a majority of the organic work structure consists of civilian personnel. A MCPD does not have a separate CID, but has an Investigations Branch that is responsible to the Operations Officer and the PC. Figure 3-4 on the following page depicts a MCPD organizational structure. Figure 3-5 on page 3-18, applicable to both PMOs and MCPDs, depicts civilian police pay grades, billet titles, and equivalent ranks. Figure 3-6 on page 3-19 depicts functional areas of responsibility.

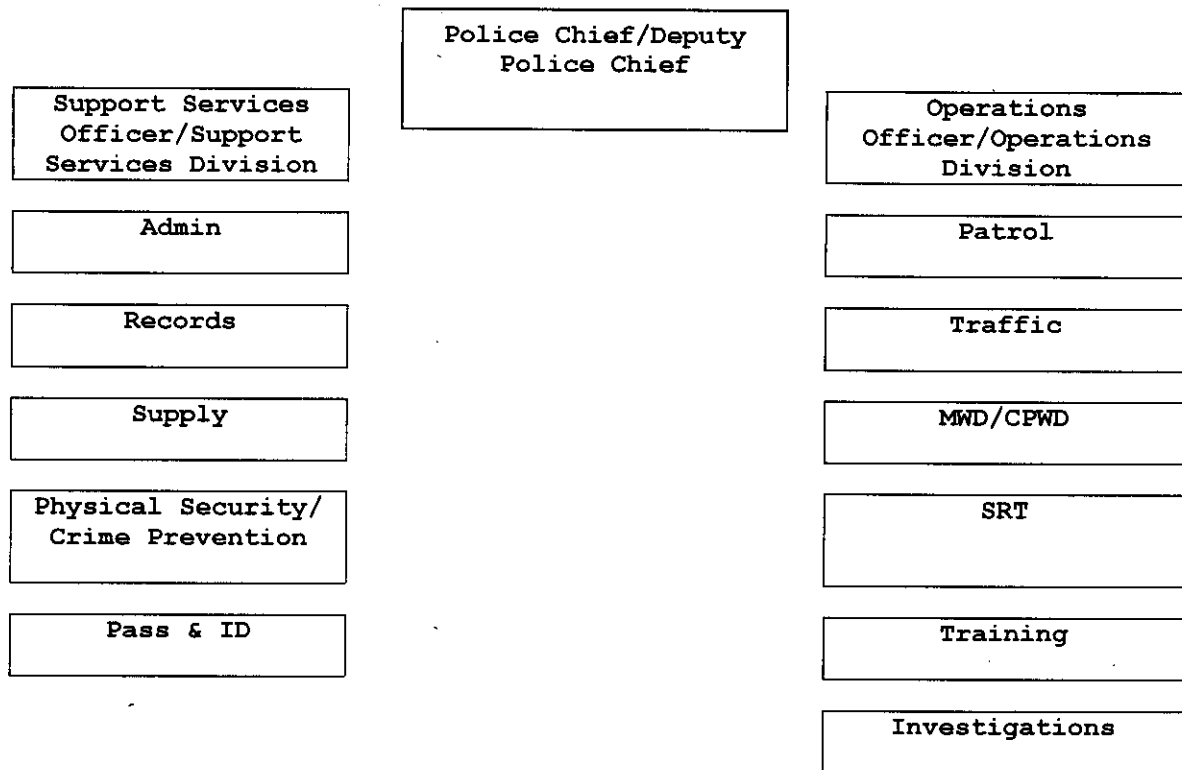


Figure 3-4.--MCPD Organization

27 AUG 2008

PAY GRADE	BILLET	EQUIVALENT RANK
NSPS YA3	Program Manager	Civ attire
GS 14	Public Safety Director (GS-0080)	Civ attire
GS 13/14	Police Chief	LtCol
GS 13	Deputy Police Chief	Maj
GS 12	Deputy Police Chief	Capt
GS 12	Operations Officer	Capt
GS 12	Support Services Officer	Capt
GS 11	Assistant Operations Officer	1stLt
GS 11	Assistant Support Services Officer	1stLt
GS 10	Watch Commander/Shift Supervisor	2ndLt
GS 10	Supervisory Physical Security Specialist	2ndLt
GS 10	Kennel Master	2ndLt
GS 10	Accident Investigation Supervisor	2ndLt
GS 10	SRT Commander	2ndLt
GS 9	Desk Sergeant/Patrol Sergeant	Sgt
GS 8	Field Training Officer	Cpl
GS 7/8	Physical Security Specialist	Patrol Officer/Cpl
GS 7/8	SRT	Patrol Officer/Cpl
GS 7/8	Accident Investigator	Patrol Officer/Cpl
GS 7	Working Dog Handler	Patrol Officer
GS 5/6/7	Police Officer	Patrol Officer
GS 5/7	Emergency Dispatcher	N/A

Note: If pay grade is NSPS, rank will be determined by billet.

Figure 3-5.--Pay Grades, Billets, and Rank Equivalents

FUNCTION	OPERATIONS	INVESTIGATIONS	SERVICES
PATROL	X		
TRAFFIC ENFORCEMENT	X		
MILITARY WORKING DOGS (MWD)	X		
CRITICAL INCIDENT RESPONSE	X	X	X
FLIGHTLINE SECURITY	X		
GAME WARDEN	X		
CUSTOMS	X		
INSTALLATION ACCESS CONTROL	X		X
DETENTION CELLS	X		
PROTECTIVE SERVICES		X	
CRIMINAL INVESTIGATIONS		X	
TRAFFIC ACCIDENT INVESTIGATIONS	X	X	
POLYGRAPH		X	
SPECIAL EVENTS	X	X	X
REGISTRATION (VEHICLE, PET, AND WEAPON)	X		X
CRIME PREVENTION	X	X	X
PHYSICAL SECURITY			X
POLICE RECORDS	X	X	X
LOST AND FOUND	X		X
VEHICLE IMPOUND	X		X
ANIMAL CONTROL			X
STATISTICAL REPORTING			X
POLICE/COURT LIAISON			X
SPECIAL REACTION TEAM (SRT)	X		
TRAINING			X

Figure 3-6.--Functional Responsibilities

Section 3300 - Common Operating Picture (COP)

3301. Purpose. This section explains how PMOs and MCPDs work in concert with other installation command entities in support of the common operating picture (COP).

3302. Policy

1. As discussed in section 3000, law enforcement personnel at all levels must understand the provisions of the NIMS and ICS, and their meanings, in order to efficiently and effectively manage response to incidents, work with other first/emergency responders, make appropriate notifications, and support the installation commander.
2. In an incident support/response scenario, all elements of PMO/MCPD work within their core competencies to respond to the incident and to ensure that the installation commander remains aware of the common operating picture at the incident site. Likewise, all information shall be shared, via the chain of command represented in sections 3100 and 3200, with the command element through the installation Operations Department (S-3, G-3, or Operations and Training), to ensure that the incident response forces at the site have a clear picture of the overall situation (as relevant to their mission oriented needs).

3303. Definitions. Common operating picture (COP) is a broad view of the overall situation as reflected by situation reports, aerial photography, and other information or intelligence. A common operating picture facilitates collaborative planning and assists all echelons in achieving situational awareness.

3304. Procedures

1. Communication and the COP. In addition to the AC or EOC (see section 3000), one or more geographically based ICPs may be established, depending on the scope and characteristics of the incident. In the ICP, a police supervisor (typically the Watch Commander or similarly qualified MP/police officer) will direct and manage response procedures directly at the incident site initially. The police representative within the EOC maintains situational awareness of the entire incident. The EOC representative maintains continual communication with the ICP and maintains status boards that mirror (with minimal delay) the status boards at the ICP. The AC or EOC provides operational and logistical support to the ICP, communicates incident command guidance (using mission type orders as a basis for operations) and coordinates installation staff requirements. The MCPV can

27 AUG 2008

be utilized to achieve the goal of maintaining constant communication with the EOC and should be considered as a primary option for the location of the ICP. The majority of incidents to which MPs/police officers respond will not require the establishment of an ICP, however, any incident that requires the response of two or more first responder organizations will require the designation of an IC.

2. During incidents requiring the establishment of an ICP, the ICS shall be used. The type of incident normally defines what organization is responsible as the IC.

a. For incidents aboard installations, these procedures should be codified in local directives, but typically, for non-criminal, safety related (fire, medical response, water searches) incidents the fire department may be the IC; for hazard material spills, the Environmental Directorate may be the IC; and for criminal incidents, the PMO/MCPD may be the IC. Additionally, as incidents develop, the IC may change. If no decision is made when MPs/police officers arrive on scene or it is unclear as to what organization should be in charge, PMO/MCPD will be the IC until a decision is made to the contrary.

b. PMOs/MCPDs will respond to and manage incidents with other staff elements aboard the installation, and organizations from off the installation, if required. The IC is responsible for notifications to the AC or EOC, however, the senior MP/police officer in the ICP is responsible for notifying the police representative in the AC or EOC.

3. In normal operations, each PMO/MCPD element is responsible to a supervisor (commissioned officer, staff noncommissioned officer, or civilian supervisory MP/police officer) who directs the daily support activities of all personnel assigned to the organization. See sections 3100 and 3200. Each specific functional responsibility will be fully discussed in subsequent chapters of this Order. A typical operations/patrol organization is in figure 3-7 on the following page.

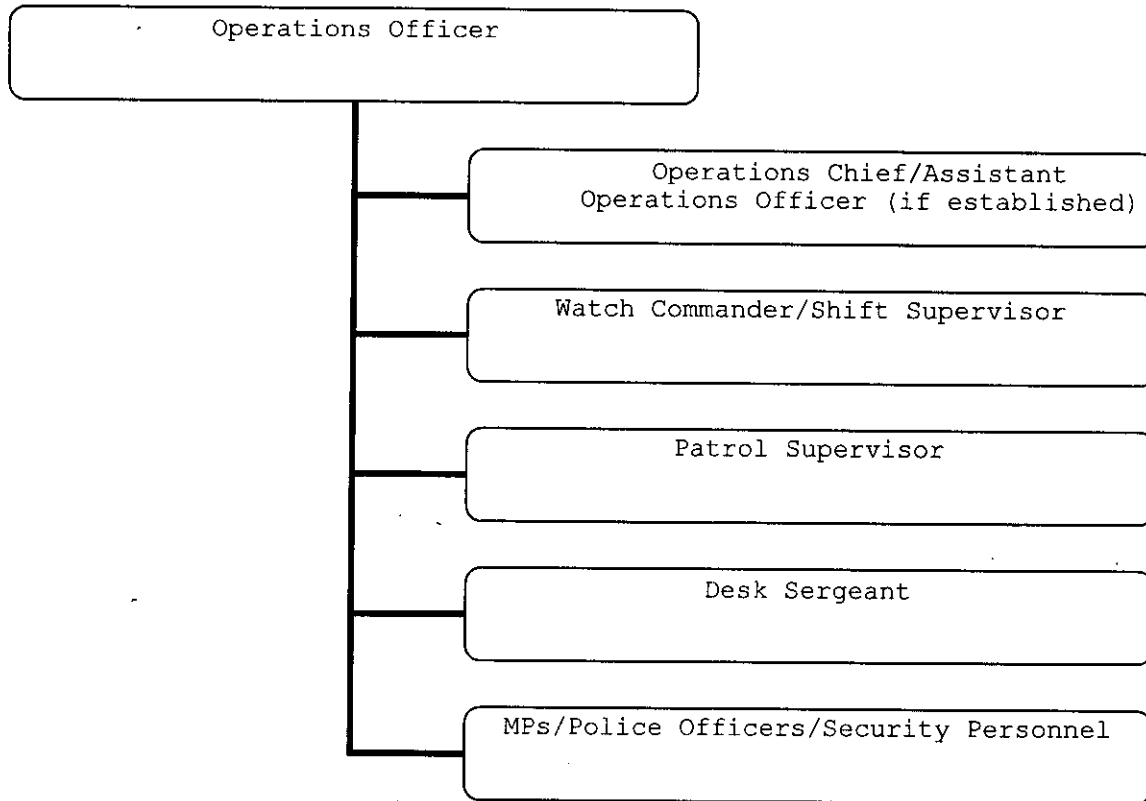


Figure 3-7.--Operations/Patrol Organization

4. For PMOs/MCPDs, the police supervisor (typically the Watch Commander (may also be referred to as Shift Supervisor), or similarly qualified MP/police officer) is responsible for initial activation of the ICS and notification up the chain of command, based on local directives/procedures. The MP/police supervisor is responsible, until properly relieved, for all police activities and as IC when designated, upon establishment of an ICP. Once someone in the police chain of command senior to the watch commander assumes responsibility as the senior MP/police officer or IC, the person assuming responsibility becomes responsible for all site police activities, overall command if designated IC, and notification up the chain of command. The procedures for notifications should be promulgated in local directives.

5. For police response, police supervision or IC will be as follows.

a. First MP/police officer to arrive is responsible for notifying the desk sergeant and performs the role of MP/police supervisor or IC as appropriate.

27 AUG 2008

b. Upon the arrival of a second or follow on MP(s)/police officer(s), the senior MP/police officer should be the police supervisor or IC as appropriate.

c. Upon arrival of the Watch Commander, Operations Chief, Assistant Operations Officer, Operations Officer, he/she will become the IC or senior MP/police officer unless another organization is designated as IC.

6. Notification. Notification procedures should be designated per section 7200. Typically, initial notification will be made by the desk sergeant per a notification matrix. Upon activation of an ICP, the ICP should assume responsibility for notification. The PMO/MCPD chain of command may make additional notifications as appropriate/required.

27 AUG 2008

Section 3400 - Memorandums of Agreement (MOA)
and Memorandums of Understanding (MOU)

3401. Purpose. This section provides guidelines for the establishment of MOUs and MOAs.

3402. Policy. MOUs/MOAs shall be established with local police and sheriff departments and other municipal organizations as required, and interservice support agreements per reference (ce). These MOUs/MOAs should include, but not be limited to, procedures to be implemented as a result of increased FPCONs, turnover of military offenders, notification of citations issued to military personnel or dependents, response to areas with concurrent or proprietary jurisdiction, installation access, special weapons and tactics (SWAT) support if necessary, process/warrant serving, and alarm monitoring/response.

3403. Definitions

1. Memorandum of Understanding (MOU). Memorandums that define general areas of understanding between two or more parties -- explains what each party plans to do; however, what each party does is not dependent on what the other party does (e.g., does not require reimbursement or other support from receiver).

2. Memorandum of Agreement (MOA). Memorandums that define general areas of conditional agreement between two or more parties -- what one party does depends on what the other party does (e.g., one party agrees to provide support if the other party provides the materials). MOAs that establish responsibilities for providing recurring reimbursable support should be supplemented with support agreements that define the support, basis for reimbursement for each category of support, the billing and payment process, and other terms and conditions of the agreement.

3. Interservice Support Agreement (ISA). An agreement to provide recurring support to another DOD or non-DOD federal activity. Support agreements are recorded on a DD Form 1144, or a similar format (for example, computer generated DD Form 1144). They define the support to be provided by one supplier to one or more receivers, specify the basis for calculating reimbursement charges (if any) for each service, establish the billing and reimbursement process, and specify other terms and conditions of the agreement.

3404. Procedures. PMs/CPs shall:

27 AUG 2008

1. Work with the installation staff directorate, typically the Comptroller's Office and/or the SJA, responsible to establish ISAs and MOUs/MOAs.
2. Contact, establish, and maintain MOUs/MOAs with local police/sheriff departments, federal and state agencies, and other municipal organizations to address turnover of military offenders, notification to PMO/MCPD of citations issued to and arrests made of military personnel, response to areas with concurrent or proprietary jurisdiction, installation access, special weapons and tactics (SWAT) support if necessary, process/warrant serving, and other issues, as required.
3. Contact, establish, and maintain, in cooperation with the staff directorate responsible (subparagraph 3404.1 above), ISAs/MOUs/MOAs with tenants on the installation to address alarm monitoring/ response, police response, physical security, flight line security, augmentation during increased force protection conditions (FPCONs), security breaches, or other emergencies, police services, etc. as required/necessary.

27 AUG 2008

Section 3500 - Validation Process

3501. Purpose. This section explains the validation process that CMC (PS) uses to determine required structure for PMOs and MCPDs.

3502. Policy

1. The staffing validation process is used to validate the police and security personnel requirements for installations. In 2001 and 2005, CMC (PS) conducted installation staffing validations for PMOs. These validations included the locations where PMOs were converted into MCPDs and an initial validation for Blount Island.
2. Installation police and security requirements change over time. Consequently, re-validation is necessary to address changes.
3. The results of staffing validations should also be addressed with the installation G-1/S-1 and G-4/S-4 to work table of organization (T/O) and table of equipment (T/E) changes when/if possible. CMC (PS) shall maintain copies of all validations until the next validation is conducted.

3503. Procedures. PMs/CPs shall conduct self-assessment staffing validations based on changes in police or security requirements and as directed by higher headquarters. The self-assessment will be conducted using the Total Force Structure Division (TFSD) approved metric previously distributed via separate correspondence. Figure 3-8 beginning on page 3-27 depicts the validation metric. Once completed, submit validations to CMC (PS) through the chain of command.